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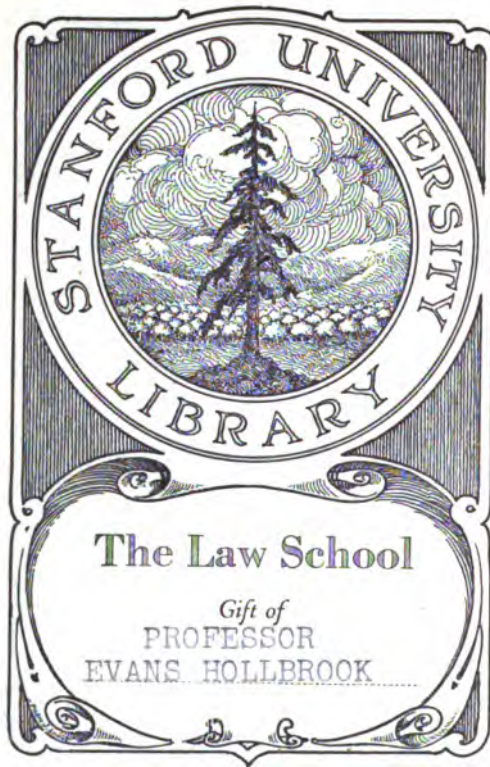
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ACTS  
OF  
THE LEGISLATURE  
OF THE  
STATE OF MICHIGAN,

PASSED AT THE ANNUAL SESSION OF 1843:

WITH AN

APPENDIX,

CONTAINING THE TREASURER'S ANNUAL REPORT.

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BY AUTHORITY.

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1843.



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WASSEL CROCHET



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**LAWS OF MICHIGAN:::::1843.**

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# LAWS OF MICHIGAN.

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[No. 1.]

## AN ACT for the destruction of Treasury Notes, and for other purposes.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That in addition to the Treasury notes heretofore destroyed, or authorized to be destroyed, under the act approved February 10, 1842, the State Treasurer is hereby authorized and required to destroy the treasury notes now in the treasury to the amount of twenty-five thousand dollars, and such further sums from time to time, of such treasury notes as may come into the State treasury, not liable to be re-issued under the act of April 13th, 1841, for claims against the general fund.

State treasurer authorized and required to destroy treasury notes.

**SEC. 2.** That the State Treasurer immediately destroy all the blank sheets of impression struck off, to be filled up as treasury notes, now in his office.

To destroy blank sheets of impressions

**SEC. 3.** That he is hereby authorized and required, as soon as may be practicable, to destroy, or cause to be destroyed, all the plates belonging to the State of Michigan, which were prepared for striking off blank treasury notes.

To destroy all plates, &c.



## LAWS OF MICHIGAN.

SEC. 4. That for all treasury notes destroyed as aforesaid, he shall have a credit in his account, the same having been counted and the amount certified to by the Auditor General.

To have credit for all treasury notes destroyed.

SEC. 5. This act shall be in force from the day of its passage.

Approved January 11, 1843.

## [No. 2.]

AN ACT amendatory to an act entitled "an act granting to certain debtors to the State, the privilege of paying the State in State bonds," &c.

Time limited by act, 1842, for completion of Detroit and Pontiac Railroad, extended to 4th July 1843.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time limited for the completion by the company of the "Detroit and Pontiac Rail Road," and the daily running of the same as contained in the second provision of the third section of the act to which this act is amendatory, be and the same is hereby extended to the fourth day of July next: *Provided*, that nothing herein contained shall be construed as releasing any of the securities given by said company to this State.

Extended time not construed to affect rights and privileges granted said company.

SEC. 2. The extension of time for the completion and running of said Detroit and Pontiac Railroad as contained in the first section of this act shall not be construed to affect in any way the rights and privileges granted said company, by the act to which this act is amendatory.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved January 16, 1843.

[No. 3.]

**AN ACT** to amend an act to incorporate the village of Grand Rapids.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section one of the act entitled "an act to incorporate the village of Grand Rapids," approved April 5th, 1838, defining the limits of said corporation, be amended, and the words in said section "south-east corner of a certain tract known as Hatche's addition to said village ; thence north along the east line of said addition," be and the same are hereby stricken out, and the following words inserted in said section in lieu thereof, "south-west corner of a certain tract known as Hatche's addition, thence north along the west line of said addition."

Boundaries & description of a part of the village of Grand Rapids altered.

Approved January 16, 1843.

[No. 4.]

**AN ACT** to provide for the payment of the members and officers of the present Legislature.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there be appropriated out of any moneys in the State treasury, the sum of fifteen thousand dollars for the pay of the members and officers of the Legislature, for the year one thousand eight hundred and forty-three, and for defraying the incidental expenses thereof.

\$15,000 appropriated to pay members of the Legislature.

**SEC. 2.** The State Treasurer is hereby authorized out of the appropriation aforesaid, to pay the members of the present Legislature, from time to time, upon the certificate of the President of the Senate and Speaker of the House of Representatives, respectively, such sums as may be due the respective members thereof at the rate of three dol-

State treasurer authoriz'd to pay members, on certificate, &c.

lars per day, and three dollars for every twenty miles travel, to and from the capitol, and to the President of the Senate to be certified by the Secretary of the Senate, and to the Speaker of the House, to be certified by the clerk thereof, six dollars per day and travel as aforesaid, and to the Secretary of the Senate, and the clerks and Sergeant-at-arms of the two Houses, on the certificate of the presiding officers of said Houses respectively, three dollars per day each, and to the messengers of said Houses, one dollar per day each, and to the firemen, the sum of one dollar and fifty cents per day each, on the certificate aforesaid.

The Treasurer to transfer funds.

SEC. 3. The Treasurer is hereby authorized to make any transfer of funds that may be necessary for the purposes of this act.

SEC. 4. This act shall be in force from and after its passage.

Approved January 17, 1843.

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[No. 5.]

AN ACT to amend an act entitled "an act relating to the conveyance of real estate."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section two of the act entitled "an act relating to the conveyance of real estate," passed April 1, 1840, be amended so as to read as follows :

Lands in Michigan may be conveyed by owners though residing in other States.

That lands or tenements lying in the State of Michigan may be conveyed by the owners thereof, though residing in any other State or Territory, by a deed, executed and acknowledged according to the

Deeds for the same to be executed and acknowledged according to laws where such person resides, &c.

laws of such State or Territory with a certificate attached thereto of the Clerk, or proper certifying officer of any court of Record in such State or Territory, under the seal of his office, that such deed is executed and acknowledged according to the laws of such State or Territory.

SEC. 2. This act shall take effect and be in force from and after the fifteenth day of February next.

Approved January 19, 1843.

[No. 6.]

**AN ACT** to amend section twenty-six, chapter second, title seventh, part second of the Revised Statutes, relative to divorce.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section twenty-six, chapter second, title seventh, part second, of the Revised Statutes, page three hundred and forty, shall be amended by inserting after the word "labor" in the third line of said section, the words "or for any other cause," so that said section will read as follows :

Section twenty-six. Upon every divorce for adultery committed by the husband, or on account of his being sentenced to confinement to hard labor, or for any other cause, and also upon every divorce from bed and board for any cause whatever, if the estate and effects restored and assigned to the wife shall be insufficient for the suitable support and maintenance of herself and such children of the marriage as shall be committed to her care and custody, the Court may further decree to her such part of the personal estate of the husband, and such alimony, out of his estate, as they shall deem just and reasonable, having regard to the ability of the husband, and the character and situation of the parties, and all the other circumstances of the case.

Upon every divorce, if estate &c. assigned to wife be insufficient for suitable support of herself and children, court may decree to her such part of personal estate of husband as they may deem just, &c.

SEC. 2. This act shall take effect from and after its passage.

Approved January 24, 1843.

## [No. 7.]

**AN ACT to authorise the payment of interest on the delinquent tax stock of this State until redeemed.**

State Treasurer authorized to allow interest on delinquent tax stocks.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the State Treasurer be and he is hereby authorized to pay or to allow interest semi-annually on all the delinquent tax stocks of this State after they become due at the rate of seven per cent per annum, until available means shall accrue in the treasury to the credit of the delinquent tax fund for the redemption of said stocks.

**SEC. 2.** This act shall be in force from the day of its approval.  
Approved January 24, 1843.

## [No. 8.]

**AN ACT for transfer of certain causes from the Supreme Court to the Court of Chancery and for other purposes.**

All causes pending in Supreme Court as a court of chancery transferred to Court of Chancery.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all the causes now depending in the Supreme court of the State, sitting as a court of chancery, which were originally commenced there, be and the same are hereby transferred to the Court of Chancery.

Clerks of Supreme Court to transfer to register of chancery all documents and papers on file in their office relative to causes on chancery side of Supreme court

**SEC. 2.** That the clerks of the Supreme Court in the respective circuits shall immediately transfer and deliver to the Register of the Court of Chancery in the respective circuits all documents and papers on file in the offices of such clerks relative to, or connected with any cause pending on the Chancery side of such Court, and shall also prepare and transmit a certified copy of so much of the records of the Supreme Court in any such cause as the Chancellor or either of the parties to any such suit may deem necessary.



**SEC. 3.** That in all causes in which the Chancellor shall be interested or shall have been solicitor or counsel, the Judge of the Supreme Court residing in the Circuit in which the cause may be pending or some other Judge of the Supreme Court may hold the Court of Chancery for the trial and determination of such cause according to the law and the practice of the Court of Chancery: *Provided*, that in cases where the Chancellor shall not be otherwise interested than having acted as Counsellor or Solicitor in the cause, it shall be competent for the parties to waive on the record all exception arising out of the causes aforesaid to the sitting and final hearing and determination of the Chancellor in the cause and thereupon he may proceed to determine the same as in other cases.

Judges of Supreme court to try all causes where Chancellor was solicitor or counsel; parties may waive exceptions and causes may be tried by chancellor.

**SEC. 4.** In all cases determined pursuant to the provisions of this act the right of appeal shall remain as in other cases.

Right of appeal reserved.

Approved Jan. 24, 1843.

[No. 9.]

**AN ACT** for the purchase of the Session laws of 1840.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the secretary of State be authorized to purchase one hundred and fifty copies of the Session Laws of eighteen hundred and forty—for the use of the State: *Provided* the same can be had for a sum not exceeding seventy-five cents a volume.

Secretary of State authorized to purchase laws of 1840.

**SEC. 2.** This act shall take immediate effect.

Approved January 27, 1843.

## [No. 10.]

**AN ACT to change the name of Maria E. Barrett, William McFettridge, and Elizabeth Gillespie.**

Maria E. Barrett's name changed to Maria Elizabeth Livermore; William McFettridge changed; Elizabeth Gillespie changed.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That from and after the passage of this act, it shall and may be lawful for Maria E. Barrett, to take and assume the name of Maria Elizabeth Livermore, and by that name she shall hereafter be known and designated; and for William McFettridge, of the county of Monroe, in this State, to take and assume the name of William Fettridge, and by that name to be known and designated hereafter; and Elizabeth Gillespie, of the county of Calhoun, to take the name of Elizabeth Peebles, and by that name to be known and designated hereafter: *Provided,* no suit or other proceeding shall abate or be in anywise affected by such change, except that such change shall be suggested and entered of Record, in any legal proceeding now pending.

Approved January 30, 1843.

## [No. 11.]

**AN ACT to vacate the present seat of Justice of the county of Hillsdale, and to establish the same at the village of Hillsdale.**

Seat of Justice of Hillsdale County vacated.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the present seat of Justice of the county of Hillsdale is vacated, and the same is hereby established on the piece of land in the village of Hillsdale, known and designated on the recorded plat of said village as the "Court-House Square."

**SEC. 2.** Whenever the commissioners mentioned in the sixth section of this act, or a majority of them, shall file in the office of the County Clerk of said county, a certificate stating that the use of a

building suitable for holding court in, is secured in the village of Hillsdale, free of expense to the county, for judicial purposes, until the county erects buildings of its own; then all business, necessary and proper to be done at the seat of Justice, shall be transacted at the village of Hillsdale; all suits and processes from the Circuit or other court required to be returned to the seat of Justice, shall be made returnable at the court-house in the village of Hillsdale. All courts required to be held at the seat of Justice, shall be held at the said village of Hillsdale, and all business commenced in courts, or otherwise, required to be transacted at the seat of Justice, shall be finished at the said village of Hillsdale, and when so finished, shall be as valid and effectual as the same would have been, if done at the present seat of Justice, before the vacation of the same.

**Sec. 3.** When the commissioners, or a majority of them, shall file the certificate spoken of in the second section of this act, it shall then be their duty forthwith to give notice of the same to all county officers, required to keep their offices at the seat of Justice, and it shall be the duty of each of such officers, within fifteen days after receiving such notice, to open and continue his office at the said village of Hillsdale, and a refusal to comply with the conditions of this section by any one of said county officers, shall be deemed a vacation of his office.

**Sec. 4.** The supervisors of the county of Hillsdale, are hereby authorized and required, after the filing of the certificate specified in the second section of this act, to dispose of all the real estate and buildings belonging to said county, at the village of Jonesville, after reasonable notice published in the papers of the county, and on such terms as they may think most advantageous to the county, and with the proceeds of such sale erect, forthwith, a jail at the village of Hillsdale—reserving for said county the use of the present jail until the new one shall be completed.

**Sec. 5.** The chairman of the board of supervisors is hereby authorized and required to convey by deed, the interest of the county in the real estate and buildings mentioned in the preceding section, when the same are sold.

Business to be transacted at the village of Hillsdale, and all processes to be returned there. Courts to be held at Hillsdale.

commissioners to file certificate, and give notice to all county officers required to keep offices at the seat of justice.

County officers to open their offices at Hillsdale within 15 days after notice, or office vacated.

Supervisors to dispose of the real estate &c. belonging to county at Jonesville; to give public notice: to erect a jail at Hillsdale with proceeds.

Chairman of board of supervisors to convey real estate, buildings, &c.

**Commissioners appointed.** SEC. 6. Heman Pratt, John Mickle, and Wray T. Palmer, are hereby appointed commissioners under this act.

**To receive no compensation.** SEC. 7. Said commissioners shall receive no compensation from the county for the services to be performed by them, under this act.

**To take oath.** SEC. 8. Before entering upon the discharge of any duties imposed by this act, said commissioners shall take and subscribe an oath, before some person authorized to administer the same, that they will faithfully and impartially discharge the duties imposed by this act.

SEC. 9. All acts and parts of acts, contravening the provisions of this act are hereby repealed.

SEC. 10. This act shall take effect from and after its passage.

Approved January 30, 1843.

### [No. 12.]

## AN ACT for the better security of the titles of lands belonging to the State.

**Deeds of lands to the state to be recorded in the counties where the land lies.** SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all deeds of conveyance to the State of any lands situated in this State or elsewhere, shall be recorded in the counties where the lands lie, and shall be duly registered and kept in the office of the Secretary of State of this State.

**Confirmations of university locations and school lands to be recorded in office of secretary of state.** SEC. 2. All confirmations of University locations, of school lands for filling up fractional sections of State lands of every description, that may require confirmations and sections for salt springs, and the use of salt springs, shall be also kept and recorded in the office of the Secretary of State.

**All acts or part of acts making grants to the state to be collected and recorded as aforesaid.** SEC. 3. All acts and parts of acts by which any grants of lands have been or hereafter may be made to this State, shall be collected and recorded in the record book aforesaid.

**All other evidences, &c.** SEC. 4. All other evidences of title by which this State hold any lands shall be in like manner recorded in the office of the Secretary

of State, so that his office shall contain the whole collection of all the land titles of the State of Michigan.

SEC. 5. When the titles aforesaid are fully collected and arranged, the Secretary of the State shall cause the same to be platted in such a manner as to show them accurately and distinctly on such plats.

The secretary of state to cause said lands to be platted.

SEC. 6. All new locations of state lands for any purpose shall be immediately entered of record and platted as aforesaid.

All new locations to be in like manner recorded.

Approved February 2, 1843.

[No. 13.]

AN ACT to authorize Royal C. Ripley to build a Dam across the Cass River, in the county of Tuscola.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Royal C. Ripley, his heirs and assigns, be and they are hereby authorized and empowered to build a dam across the Cass river, in the county of Tuscola, on section twenty-eight, in township eleven north, of range seven east.

Royal C. Ripley authorized to build dam across Cass river.

SEC. 2. Said dam shall not exceed six feet in height above low water mark, and shall have a convenient sluice, or apron, of sufficient width and dimensions to admit the safe passage of rafts, or river craft, up or down said river, which said sluice or apron shall be kept in good repair by the persons or individuals using said dam, and all rafts, boats or river craft, shall be assisted to pass without toll or charge of any nature, and without unnecessary delay.

Dam not to exceed six feet, &c

Boats to be assisted to pass free of toll.

SEC. 3. Nothing in this act shall authorize the person named, or his heirs or assigns, to enter upon or flow the lands of any other person or persons without the consent of such person or persons: Provided further, the occupant of said dam shall so construct therein or thereat a convenient lock for the safe passage of boats, rafts, canoes or other water craft, whenever the Circuit Court of said county shall order upon good cause shown.

Persons not authorized to flow lands, &c

A lock, &c. to be constructed.

Approved February 2, 1843.

[No. 14.]

## AN ACT in relation to the office rooms of Secretary of State.

**Two east rooms of capitol set apart for use of secretary of state.** SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the two east rooms on the upper floor of the State Capitol be set apart for the use of the Secretary of State, and that he may cause a door of communication to be made between them.

**\$150 appropriated to fit up rooms.** SEC. 2. There is hereby appropriated the sum of one hundred and fifty dollars, or so much thereof as may be necessary for fitting up said rooms, furnishing carpets and buying an additional set of cases for the use of the Secretary's office, to be paid out of the general fund on the Auditor General's warrant.

SEC. 3. The Secretary of State is hereby authorized to cause the foregoing provisions to be carried out.

**Front south room of capitol &c.** SEC. 4. That the front south room on the upper floor of the State Capitol be set apart for the use of the Adjutant General, and that there is hereby appropriated the sum of one hundred dollars or so much thereof as may be necessary for fitting up of said room, furnishing and carpeting the same.

Approved February 2, 1843.

[No. 15.]

## AN ACT to incorporate the Allegan Academy.

**Board of trustees created, &c.** SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Samuel Newberry, Elisha Ely, Silas F. Littlejohn, Chester Wetmore, Elihu G. Hackley, Abraham J. Deederick, Eber Sherwood, Joseph Fisk, Nathan Mason, Jr. Jacob B. Bailey, Amos P. Bush, and Flavius J. Littlejohn, all of the

county of Allegan, and their successors, be and they are hereby created a body corporate and politic, to be styled "The Board of Trustees of the Allegan Academy," and by that name shall remain in perpetual succession, with full powers to acquire, hold and convey, property real and personal, not exceeding in value five thousand dollars, to have and use a common seal and alter the same at pleasure; to sue and be sued, plead and be impleaded, to make, alter and modify from time to time such bye-laws, rules and regulations as they may deem necessary for the government of said institution, its officers and employees: Provided such bye-laws, rules and regulations are not inconsistent with the constitution and laws of the United States and of this State.

Authorized to hold and convey property, &c. To make by-laws, &c.

SEC. 2. Said Academy shall be located in or near the village of Allegan, and shall be erected upon a plan sufficiently extensive and commodious for the purposes of an academic institution; and the said trustees, as the wants of the community require, may erect additional departments for instruction in the liberal arts and sciences.

Academy to be located in Allegan. A suitable building to be erected.

SEC. 3. The Board of Trustees shall consist of twelve members maintaining a perpetual succession by the annual election of four to supply the vacancy occasioned by the expiration of the term of a like number.

Board to consist of twelve members.

SEC. 4. The Board of Trustees shall annually elect from their number a President, Secretary and Treasurer, and shall from time to time appoint a Principal and other necessary instructors and officers of the institution, and shall have power for good and sufficient reasons to remove any or either of them; and also to fill vacancies which may happen by death, resignation or otherwise, and also to prescribe and direct the general plan of instruction, the books to be used and the tuition fee per term or quarter in said institution and its departments.

Board of trustees to elect annually a president, secretary, and treasurer: to appoint a principal and other instructors; to fill vacancy; prescribe the general plan of instruction. Books to be used and tuition fees.

SEC. 5. Said Board shall faithfully apply all funds by them collected in money or otherwise, and all sums received or required in erecting suitable buildings, supporting the necessary officers and teachers, and in procuring books, maps or other articles necessary to en-

To apply funds received faithfully.

sure the success of said institution, or for the purpose of reducing the expense of instruction.

Public examinations at close of term, &c.

SEC. 6. A public examination\* of the students in the various branches of study by them pursued, shall be had at the close of each term, and a public exhibition shall be had once in each year, at such time and place as the Board of Trustees shall from time to time designate.

First annual meeting.

Special meetings, &c.

SEC. 7. The first annual meeting of said Board of Trustees shall be holden on the first Monday of September next, and special meetings of the same may be called at any time on the application of two members to the Secretary, who shall forthwith proceed to notify the Board of the time and place of such meeting.

Trustees individually liable for debts &c.

SEC. 8. That the said Trustees shall be held individually liable for all debts contracted by said corporation.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved February 2, 1843.

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## [No. 16.]

### AN ACT in relation to the State Printing.

Treasurer authorized to contract with Ellis & Briggs to do State printing. With Zadock Vollum for binding ditto for the State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the State Treasurer be, and he is hereby authorized and required to contract with Ellis & Briggs for doing all the printing, and with Zadock Vollum for doing the binding required by the Legislature for the year one thousand eight hundred and forty-three, at the following rates, to wit: twenty-two cents per thousand ems for composition, and twenty-five cents per token for press-work; and ten cents a copy for binding the session laws, and twenty-three cents a copy for binding the documents and journals: *Provided* said printing shall be completed within thirty days next after the index and marginal notes shall be furnished to the printers;



and provided also, that if said Ellis & Briggs shall fail to enter into such contract and to give sufficient security for doing the same, the said Treasurer shall contract with some other person for doing said printing at the prices mentioned in this section.

SEC. 2. The State Treasurer is hereby required annually, on the first Monday of November, to cause to be published in all the weekly papers published in the city of Detroit, a notice specifying the time and place for receiving sealed proposals for doing the State printing and binding; the printing to be done according to the terms of certain joint resolutions in relation to printing, approved January sixteenth, one thousand eight hundred and forty-three; which notice shall be published at least three weeks before the time specified for receiving such proposals.

Treasurer required to publish notice on the first Monday in November annually receiving sealed proposals for state printing.

SEC. 3. At the time and place specified in said notice for receiving such proposals, the Treasurer shall proceed to open and examine all proposals received by him, for doing the State printing and binding, and shall immediately enter into a written contract with the person whose proposition shall be deemed the most advantageous to the interests of the State, for doing said work, and shall take good and sufficient security for doing the same.

Treasurer to open & examine proposals, and to enter into written contract.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 6, 1843.

[No. 17.]

AN ACT in relation to the Fire Department and firemen of the incorporated cities or villages of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That any person who, at the time of the passage of this act, shall be a fireman in any incorporated city or village of this State, and who shall serve as such for the term of seven

Firemen who serve 7 years exempt from serving as jurors and from the performance of militia duty.

years, and any person who may hereafter be appointed a fireman and shall serve as such for the term of seven years, shall, during and forever after such term, be exempt from serving as a juror in any of the courts of this State, and from the performance of all militia duty, except in cases of insurrection or invasion.

Common council to pay each fireman 5 dollars, who shall have performed his duty the preceding year.

SEC. 2. It shall be lawful for the common council of any such city or village, to pay to each fireman the sum of five dollars yearly: *Provided* such fireman shall produce a certificate from the foreman of his company, countersigned by the chief engineer, stating that he had well and faithfully performed his duties as a fireman during the preceding year; and *provided* further, the city or village shall vote such compensation at its annual election of officers.

Any fireman who hires a substitute to be removed.

SEC. 3. Any fireman hiring or procuring a person to act as a substitute for the performance of his duties, shall, on evidence thereof, be removed from his station by the common council.

Recorder of city or village to keep a correct record of the occupation and residence of every fireman.

SEC. 4. The recorder of such city or village shall keep a correct record in a book to be provided for that purpose, of the name, occupation and residence of every fireman of such city or village together with the date of his appointment and the company to which he is attached; and whenever any fireman shall resign or be removed from his station, it shall be so stated on such record; the appointment, resignation or removal of every fireman, shall also be entered on the minutes of the common council.

Recorder to deliver to each fireman who shall have served a certificate to that effect.

SEC. 5. It shall be the duty of the recorder of the said city or village, to deliver to every fireman who shall have served the time specified in the first section of this act, a certificate to that effect, signed by himself and the mayor of such city, or president of such village, which certificate shall be received as evidence in any of the courts of this State.

Common council to levy tax to pay expenses, &c.

SEC. 6. It shall be lawful for the common council of such city or village to levy and collect a tax on all the real and personal property within the limits thereof, for the purpose of defraying the expenses of purchasing and repairing the fire apparatus, and all other necessary expenses for the proper support and maintainance of the fire depart-

ment of such city or village ; which tax shall be assessed and collected in the same manner as is provided for the collection of the taxes in the respective charters of such city or village.

Companies to sue for and collect all fines &c.

SEC. 7. It shall be lawful for the respective fire companies in such city or village, to sue for, in the name of the common council of such city or village, all fines or penalties imposed upon their members for the neglect of their duties as firemen.

SEC. 8. All fire engines and apparatus requisite for, and ordinarily used by fire companies in the extinguishment of fires, now owned, or that may hereafter be purchased and owned by any incorporated city or village, and kept for the use of any fire company therein, shall be and the same are hereby exempted from levy, or sale for any debt, damages, fine, or amercement whatever: *Provided*, that this section shall not be construed to affect in anywise, any levy heretofore made.

All fire engines, &c. exempt from levy and sale.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved February 6, 1843.

### [No. 18.]

**AN ACT** to amend section seventeen, chapter one, title three of part second of the revised Statutes in relation to wills ; and also, section thirty-five, chapter one, title four, part first of the revised Statutes in relation to vacancies in town offices.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section seventeen, chapter one, title three, of part second of the revised statutes be amended by striking out the entire proviso of said section.

Sec. 17, chap. 1, title 3, of revised statutes amended

SEC. 2. Section thirty-five, chapter one, title four, part first of the revised statutes shall be amended by inserting in the fourth line thereof, between the words "collector" and "pound master" the words "constable and supervisor," so that the section as amended shall read as follows :

Sec. 35, ch. 1, title 4, part 1, of rev. statutes amended.

Township board to fill vacancies in township offices.

"SECTION 35. Whenever there shall be a vacancy, or when the incumbent shall from any cause, be unable to perform the duties of his office in either of the following offices, to wit : township clerk, treasurer, constable, supervisor, pound master, commissioner of highways, director of the poor, or overseer of highways, then in either of these cases, the township board, or any three of them, may make temporary appointments of suitable persons to discharge the duties of these offices respectively, who shall continue to discharge such duties until the office is filled by election, or until the disability aforesaid be removed."

Approved February 7, 1843.

### [No. 19.]

AN ACT to amend an act entitled "an act to exempt certain property from execution or sale for any debt, damages, fine or amercement, approved February sixteenth, eighteen hundred and forty-two."

Grain growing liable to levy but not to sale until harvested

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all grain while growing and all unharvested crops shall be liable to levy, but not to sale, under execution until the same are ripe or severed from the ground and harvested, and any levy legally made shall be continued beyond the life of the execution under which such levy is made, and shall be as good and valid and may be perfected by sale in the same manner and with the same effect as may be done under execution yet in life: *Provided* that no such levy shall continue good and in force more than thirty days after the crops levied upon are ripe and severed from the ground.

Levy not to continue in force over 30 days after crops are ripe and severed from the land.

When defendant claims that any of his property is exempt from execution, officer to certify the facts to the creditor.

SEC. 2. Whenever a defendant in any execution shall claim that any property in his possession is exempt from sale on execution by virtue of the act to which this act is amendatory, and by that act the

value of any species of property which a defendant has a right to retain, is specified, and the quantity to which the defendant is by said law entitled, not otherwise defined, the officer holding such execution shall certify the facts of such claim to the creditor, his agent or attorney, who may thereupon select an appraiser, and the defendant another, or if he refuses, after notice given, the said officer shall select, and they two so chosen may select a third, and if they are unable so to do, the officer holding the execution shall select such third appraiser, all of whom shall be resident freeholders of the township where the defendant resides or the adjoining township.

Appraisers to be chosen, and to reside in the township, &c.

SEC. 3. The officer shall administer an oath (or affirmation) to each of the appraisers so selected that they will estimate the said property at its present cash value, and they shall then proceed to examine the same and make an inventory thereof, with the estimated value of each article and shall subscribe the same and deliver it to the officer.

Officer to administer oath: appraisers to examine property and make inventory.

SEC. 4. If the appraised value of such property shall exceed in amount the value in such property to which the defendant by the act to which this act is amendatory is entitled to retain, the officer shall so notify the defendant and deliver to him a copy of said inventory if requested, and the debtor may select at such appraised value the quantity he shall be entitled to retain, by virtue of the provisions of the act to which this act is amendatory, and the residue only shall be subject to levy and sale.

If appraised value of said property exceeds amount &c., officer to notify defendant and deliver him a copy. Debtor may select, &c.

SEC. 5. If the debtor, his agent or attorney, shall neglect or refuse within forty-eight hours after notice to make such selection, the officer shall make the division. If the debtor cannot be found within the county, and has no agent or attorney, the notice may be left at his last place of residence or with the person who has possession of the property.

If debtor refuse to make such selection, officer to make it. If debtor cannot be found notice to be left, &c.

SEC. 6. Whenever by the provisions of the act to which this act is amendatory, the debtor is entitled to retain, exempt from sale, any specified number of horses, cattle, sheep, swine, implements of husbandry or articles of property of any kind, and shall own more of any

Debtor may select under certain circumstances.

such property in said act named than is thereby so exempt, the debtor may at any time within forty-eight hours after notice to make such selection, select the number and quantity to which he is entitled, and

Creditor to advance expenses of appraisal.

if he shall neglect or refuse so to do, after notice given, the officer shall so select and dispose of the residue.

Appraisers entitled to pay and mileage.

SEC. 7. Whenever an appraisal shall be necessary by virtue of this act, the creditor shall advance the expenses necessary and incident to the same, each appraiser shall be entitled to fifty cents, and six cents per mile for his necessary travel, going only, and cost in no case shall be charged to the defendant, unless by the appraisal it appears that he had in possession more of such property than was ex-

Certain words in act of 1842 stricken out.

empt by law, then and in such case the costs may be satisfied out of such excess.

Property teamsters are entitled to retain.

SEC. 8. That the words "not exceeding in value of eighty dollars," which relates to the value of a pair of horses exempt from execution in the act to which this act is amendatory, be and the same is hereby stricken out and repealed.

SEC. 9. Every person whose principal business is teaming shall have exempt from execution or sale as aforesaid, one yoke of oxen, one yoke, necessary chains, cart or wagon, or one pair of horses or mules, harness and wagon.

Approved February 10, 1843.

## [No. 20.]

### AN ACT to amend an act entitled "an act relative to Free schools in the city of Detroit."

Taxes assessed under an act relative to free schools in the city of Detroit, shall be set forth in a separate column.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all taxes which have been, or may hereafter be assessed and levied by the common council of the city of Detroit, under and by virtue of the authority conferred on said common council by the thirteenth section of an act, entitled "an act relative to free schools in the city of Detroit," shall be

set forth in the assessment roll of said city, in a separate column, City liabilities or evidences of debt not to be received.  
 apart, and distinguished from all other city taxes; and that the collector of said city, shall collect, and is hereby authorized and required to collect said taxes in money, and said collector shall not be required or permitted to receive in payment of said taxes, any liabilities or evidences of debt against said city.

Said taxes when collected to be disbursed under the authority of the board of education, &c.  
 SEC. 2. That all the fifth section of said act after the words "as last aforesaid," in the thirteenth line of said section be stricken out, and the following be inserted in its place: "shall be expended and disbursed by and under the authority of said board of education, for the support of the said schools, after paying all just and legal demands existing against the several school Districts heretofore existing in said city: *Provided*, that said board shall not be liable to pay an aggregate amount of indebtedness against any one district, greater than the amount received from the same by said board."

Approved February 13, 1843.

[No. 21.]

AN ACT to provide for the disposition of prisoners in certain cases therein mentioned.

When there is no jail &c. in a county, prisoners to be conveyed to the keeper of the jail in the county designated by order of the associate Judges of the county where prisoner is arrested.  
 SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That whenever any person charged with the commission of any offence, or who may have been sentenced to suffer imprisonment upon conviction, shall be in the custody of any proper officer of any county within which no jail shall have been provided, or when the jail may be considered insecure, in virtue of a process of commitment, such officer shall forthwith convey the prisoner or prisoners in his custody, as aforesaid, to the sheriff or keeper of the jail of such other county as the associate judges of

Order to be  
filed with the  
Clerk of the  
county where  
prisoner is to  
be conveyed.

such county in which no jail shall have been provided, or when the jail may be insecure, shall, by an order under their hands, designate and direct.

SEC. 2. The order in the first section of this act mentioned, shall be filed with the clerk of the county to which such prisoner or prisoners, so apprehended as aforesaid, are in and by such order directed to be conveyed, and shall be general in its terms, and remain and be in force until revoked by the judges making the same, or their successors in office.

Duty of sheriff  
&c. to receive  
such prisoner.  
Liable for any  
neglect.

SEC. 3. It shall be the duty of the sheriff or keeper of the jail of such county in which any such order shall be filed, on being presented with a copy of the process of commitment of such prisoner or prisoners, so apprehended, within such county in which such order shall have been made, as aforesaid, to receive such prisoner or prisoners into his custody, and such sheriff or keeper shall be liable for any neglect of duty in relation to such prisoner or prisoners, as in other cases, and shall be paid the fees and expenses allowed by law, out of the treasury of the county within which such prisoner or prisoners were apprehended.

To be paid  
fees and ex-  
penses, &c.

Such prisoner  
to be delivered  
to the sheriff  
of the county  
from whence  
he was sent  
upon an order  
of presiding  
Judge, &c.

SEC. 4. Whenever any person shall be so imprisoned, as aforesaid, such person shall at any time be delivered to the sheriff, or other proper officer of the county within which he shall have been apprehended, on the presentation, by such officer, to the sheriff or keeper of such jail, of an order from the court before whom such prisoner is to be tried or dealt with, or the presiding judge or justice thereof, requesting such delivery.

Sheriff to con-  
vey certain  
prisoners to  
State prison.

SEC. 5. It shall be the duty of the sheriff of any county, in which a criminal may be hereafter sentenced to confinement in State Prison, as soon after the passing of such sentence as may be consistent, to convey such prisoner direct to said prison, and deliver him to the agent thereof.

Expenses thus  
incurred to be  
paid from state  
treasury.

SEC. 6. The expenses necessarily incurred by any sheriff in carrying out the provisions of the preceding section, together with his fees therefor, shall be paid by the State Treasurer, upon the warrant of the Auditor General.



**Sec. 7.** This act shall take effect and be in force from and after its passage, and all acts, or parts of acts, contravening the provisions of this act, be and the same are hereby repealed.

Approved February 14, 1843.

[No. 22.]

**An Act to amend an act approved April sixth, eighteen hundred and thirty-eight, entitled an act to amend an act to incorporate the city of Monroe, approved March twenty-second, eighteen hundred and thirty-seven.**

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the common council of said city of Monroe shall have power and authority to make all such by-laws and ordinances as they shall deem proper, further to regulate and provide for the assessment to be made by the commissioners of the canal fund of said city, and for the collection of the tax contemplated by the second section of said amendatory act, and to provide for the payment of the expenses incident thereto and to regulate the amount to be paid to the collector, and the officers appointed or that may be appointed by the said commissioners of the canal fund, and further to define and regulate the duties of the said commissioners of the canal fund and the officers appointed by them : *Provided,* that such by-laws and ordinances shall not be inconsistent with the provisions of the several acts to which this act is amendatory.

Common council of city of Monroe authorized to make by-laws, to regulate assessment to be made by commissioners of canal fund, &c. for collection of tax, &c.

**Sec. 2.** That said common council may, in their discretion, confer upon the collectors that may be appointed by the commissioners of the canal fund for the purpose of enforcing the collection of the tax contemplated by the second section of said amendatory act, all the

Common council may confer on collector all necessary powers, &c.

## LAWS OF MICHIGAN.

powers and require him to discharge all the duties of the ordinary collector or marshal of said city.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 21, 1843.

## [No. 23.]

## AN ACT for the relief of Hester Jones.

Superintendent of public instruction authorized to issue new certificate to Hester Jones.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the superintendent of public instruction be and he is hereby authorized and directed to issue a new certificate for the sale of the whole of the north-west quarter of section twenty-two, township seven south, of range seventeen west, to said Hester Jones upon payment by her for the same, in the same manner as if the original certificate had embraced the whole aforesaid quarter section.

Approved February 21, 1843.

## [No. 24.]

## AN ACT to amend an act entitled an "act for the regulation of internal improvement," passed March twenty-fifth, eighteen hundred and forty.

Persons entitled to receive damages occasioned by works of internal improvement who are dissatisfied may notify board, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That whenever any person or persons who shall be lawfully entitled to receive any damages occasioned by the construction of any of the works of internal improvement of this State, and shall be dissatisfied with the appraisal or assessment of such damages made in pursuance of the sixteenth section of the

act to which this act is amendatory, and shall notify the board of internal improvement of such dissatisfaction within three months after such appraisal, it may be lawful and it shall be the duty of said board of internal improvement to review such appraisal, and if, in their opinion, the amount of damages so awarded are not equal to the amount of damages actually sustained by the person or persons aforesaid, they shall increase the amount so awarded to a sum which, in their opinion, shall be just and equitable, and they shall certify their determination on such award, which certificate shall be signed at least by two of said board, and such certificate shall be sufficient authority for the Auditor General to draw his warrant for the amount of said assessment.

Board to review &c.

SEC. 2. The provisions of this act shall apply to all cases of appraisal heretofore made under the provisions of the act to which this is amendatory and shall still remain unsettled: *Provided*, the notice required to be given to the board of commissioners by this act shall be given within three months from its passage.

This act applies to appraisals heretofore made, which remain unsettled.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 21, 1843.

[No. 25.]

AN ACT making appropriations on the Central and Southern rail-roads for the year of our Lord one thousand eight hundred and forty-three, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there be appropriated out of the nett proceeds of the public works of this State, for the purpose of purchasing rail road iron and spike, and for paying for the transportation of the same, the sum of one hundred and nineteen thousand dollars.

\$119,000 appropriated out of the receipts of the railroads for buying iron & spikes.

Board of commissioners authorized to buy iron and spike for central and southern rail-roads.

**SEC. 2.** The board of commissioners of internal improvement are hereby authorized to purchase for the use of the state, a sufficient quantity of railroad iron and spike, to iron the central railroad to the village of Marshall, and the southern railroad to the village of Hillsdale; and the said board of commissioners are hereby authorized to pledge for the payment of said iron and spike the nett proceeds of the public works of this state, and they are hereby authorized and directed to pay from time to time, according to the terms of such contract, such moneys as shall come into the treasury as such nett proceeds, until the whole contract shall be paid: *Provided*, that nothing herein contained shall authorize said board of commissioners to make contracts for railroad iron and spike exceeding the amount necessary to iron said roads to the points above designated: *Provided* further, that after paying for the iron and spike contemplated in this section, the nett proceeds of said public works, or so much thereof as may be necessary for that purpose, are hereby pledged for the payment of all interest which shall have accrued on the warrants now drawn upon the internal improvement fund and for payment of the interest thereon annually forever thereafter until such warrants shall be paid; and the state treasurer is hereby required to pay the same therefrom accordingly.

Board authorized to let such an amount of contracts as shall be paid for by 150,000 acres of land to build central rail road between Marshall and Kalamazoo.

**SEC. 3.** The board of internal improvement are hereby authorized to let such amount of contracts as shall be paid for by one hundred and fifty thousand acres of state lands, school and university lands excepted, to be located by the purchasers, under such restrictions as are now or may hereafter be made by law for the extension of the central railroad to the village of Kalamazoo: *Provided* that all the public lands of this state before they shall be subject to entry by persons holding such warrants shall be offered for sale at public auction: and *Provided* also, the said lands shall be received by such persons at the minimum price established by law: and *Provided* further, that said contracts shall be let at twelve per cent. less than the estimates of eighteen hundred and forty-one: *Provided* further, that no part of said lands shall be located, and no warrants issued for work done

on contracts let under this act, shall be received in payment for any of the state lands until the first day of August next.

SEC. 4. The commissioners of internal improvement in making contracts on the central railroad, shall make them payable in warrants on the internal improvement fund, and the state to be in no way responsible for the payment of said warrants until that fund shall be reimbursed by the sale of the lands belonging to this state, or from moneys legitimately coming into that fund from other sources.

Contracts to be made payable in warrants drawn on internal improvement fund, &c.

SEC. 5. All warrants now drawn or that shall hereafter be drawn on the internal improvement fund, shall be receivable in payment for any of the lands belonging to this state which shall hereafter come into the market, except for university and school lands.

All warrants now drawn or hereafter to be drawn on internal improvement fund to be received in payment of public lands.

SEC. 6. The "joint resolution prohibiting new contracts on the public works," approved January eighteenth, eighteen hundred and forty-two, is hereby suspended so far as it relates to the completion of the central railroad to the village of Kalamazoo and the southern railroad to the village of Hillsdale.

SEC. 7. That there be appropriated out of any moneys that may come into the treasury to the credit of the internal improvement fund for the purposes of paying up arrearages of work done and materials furnished on the Clinton and Kalamazoo canal, the sum of five thousand seven hundred and seventy dollars.

\$5,770 appropriated on Clinton and Kalamazoo canal.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved February 21, 1843.

[No. 26.]

**AN ACT** to secure a pre-emption right to the purchase of certain lands to the persons therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That whenever by the laws of this*

Certificate of purchase of n. w. quarter, sec. 4, tp. 6. n. r. 12, w. to be issued to R. Hilton.

state, the north-west quarter of section number four [4] in township numbered six [6] north, range numbered twelve [12] west, it being part of the lands granted to the state by the act of Congress approved June twenty-three, eighteen hundred and thirty-six, and known as the salt spring lands, shall be offered for sale; it shall be the duty of the person or persons entrusted by law with such sale, to issue to Robert Hilton, or to his heirs or assigns, a certificate of purchase of the north-west quarter of said section, on the payment by the said Hilton, his heirs or assigns, to the person authorized to sell said lands, of the sum of one dollar and twenty-five cents per acre for the same: *Provided*, the said Hilton, his heirs or assigns, shall tender the said money as aforesaid within one year from the time said lands shall be offered for sale as aforesaid: And *provided* also, that interest on the purchase money shall be paid, to be computed from the first day of January, one thousand eight hundred and forty up to the day of such payment: And *provided* further, the said Hilton, his heirs and assigns shall be entitled to the possession of said land until the expiration of that time.

Approved February 22, 1843.

[No. 27.]

AN ACT authorizing William W. Bliss, administrator &c. of Hervey Bliss, deceased, to convey certain real estate.

William W. Bliss administrator &c. authorized to convey certain lands.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be lawful for William W. Bliss, administrator &c. of Hervey Bliss, late of the county of Lenawee, in said state, deceased, and he is hereby authorized and empowered to make and execute the necessary deeds and conveyances so as to vest the fee simple of the following described parcels of land, severally in the persons hereinafter named, upon their respectively

paying to him the amount ascertained to be due on the contracts and agreements given therefor by the said Hervey Bliss in his life time, viz: to John W. Woodruff lot number fifty-four and lot number fifty-five as designated upon the recorded plat of the village of Blissfield, in the county of Lenawee, aforesaid: to Calvin H. Hagaman, lots numbered sixty-five and seventy-seven as designated upon the said plat of the village aforesaid: to Ira Pettis, lot numbered thirty-eight as designated upon said plat of the village aforesaid: to Charles H. Gilmore, lot numbered forty as designated upon the said plat of the village aforesaid: to Enoch Randall the west half of lot numbered thirty-five as designated upon the said plat of the village aforesaid: to Guy Carpenter, lot numbered fifty-one as designated on the said plat of the village aforesaid: to Malvin Baily lot number seven as designated on the said plat of the village aforesaid: to James Q. Adams and Norman D. Curtis lots numbered nineteen, twenty, twenty two, twenty-three, twenty-seven, sixty-six and sixty-seven as designated on the said plat of the village aforesaid: and to Pardon J. Davenport a small tract adjoining the village plat aforesaid, and bounded north by the lands of Adams and others, on the east by the river Raisin, on the south by lands belonging to the estate of Hervey Bliss deceased, and on the west by Monroe-street, containing three-fourths of an acre of land: *Provided* however, that before any title shall pass by virtue of such deed or conveyance, it shall be, the duty of said administrator to have endorsed thereon severally, the approval or consent thereto of the Judge of Probate of the said county of Lenawee.

Judge of Probate to approve of conveyance.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 22, 1843.

## [No. 28.]

## AN ACT to prevent the embezzlement and concealment of the property of deceased persons.

Persons who  
embezzle  
estate of de-  
ceased persons  
guilty of lar-  
ceny.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That any person or persons, who shall fraudulently, wilfully and intentionally embezzle, secrete or conceal from any heir, administrator or administratrix, executor or executrix, or widow of any deceased person of this state any deed for the conveyance of real estate, or any bond, draft or bill of exchange, or promissory note for the security or payment of any money, or containing evidence of debt, which were the property of said deceased person at the time of his or her death, and of right belonged to the heir or heirs, devisee or devisees, legatee or legatees, widow or creditor or creditors of such deceased person, after his or her death, or shall in like manner embezzle, secrete or conceal from any of the persons above named, any other valuable property or writing of any deceased person or persons, shall be deemed to have committed the crime of larceny.

Approved February 22, 1843.

## [No. 29.]

## AN ACT authorizing the State Treasurer to receive certain warrants in payment of money due the State.

Treasurer  
may receive of  
certain per-  
sons Auditor's  
warrants for  
state building  
lands,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the State Treasurer may receive of James Scribner, or any other purchaser of state building lands, Auditor General's warrants, which are on interest, in payment of any sum of money due from any such purchaser of state building lands heretofore sold to them by the state.

SEC. 2. That the State Treasurer may receive of Noah Brookfield, Auditor General's warrants, which are on interest, in payment



for the southeast quarter of section twenty-seven, in township seven south, range seventeen west, and of Josiah Pidge in payment for the north-east fractional quarter of the same section at the prices respectively affixed to said tracts of land by law: *Provided*, the payment mentioned in this act shall be made within one year from the passage of this act.

Treasurer may receive of Noah Brookfield, auditor's warrants for a certain piece of land.

SEC. 3. This act shall take immediate effect.

Approved February 27, 1843.

[No. 30.]

AN ACT to authorize David Vinnedge, guardian of Marcus Packard, a minor, to convey certain lands.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be lawful for David Vinnedge as guardian of Marcus Packard, a minor, and sole heir of Garrison B. Packard, deceased, and he is hereby empowered and authorized, as such guardian, for and in the name of said Marcus, to execute, acknowledge and deliver to Fitch Reed, of the county of Lenawee, and state of Michigan, the necessary deed of conveyance to vest in the said Fitch Reed the fee simple in the following lands, situate in the county and state aforesaid, viz: The west half of the south-west quarter of section number twenty-six, and the east half of the south-east quarter of section number twenty-seven, in township five south of range two east: *Provided*, however, that before any title shall pass by virtue of said deed, it shall be the duty of said guardian to have endorsed on said deed the approval of the same by the Judge of Probate of the said county of Lenawee.

David Vinnedge authorized to execute certain conveyances as guardian of Marcus Packard.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1843.

## [No. 31.]

**AN ACT to extend the time for the collection of taxes  
for the year eighteen hundred and forty-two.**

Collection of  
resident taxes  
for the city of  
Detroit post-  
poned.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the collection of all resident taxes remaining unpaid in the city of Detroit is extended to the third Monday of March next.

Collector au-  
thorized to  
proceed and  
collect the  
same.

**SEC. 2.** The collector, Benjamin S. Farnsworth, is hereby authorized and empowered to proceed and collect said taxes as fully as he could do during the life of his warrant, and make his returns thereon any time before the said third Monday of March next.

Collector to  
renew his  
bond.

**SEC. 3.** It shall be the duty of said collector to renew his official bond to the satisfaction of the Treasurer of the county of Wayne, before he shall collect or receive any part of said taxes as aforesaid, under the same penalty as is prescribed in part first, title four, chapter one and section fifty-three of the revised statutes.

The supervi-  
sors of several  
township in  
certain cases  
may renew  
warrants to  
township trea-  
surer: and ex-  
tend time for  
collection of  
taxes for 1842.

**SEC. 4.** The respective supervisors of the townships of this State in which any part of the taxes for the year eighteen hundred and forty-two shall remain unpaid on the first day of March next, may renew the warrants to the township treasurer, and extend the time of collection to the third Monday of March next: *Provided*, the said treasurer in all cases shall, before such time shall be extended, renew their official bonds to the county treasurers, and account for and pay over all moneys collected before the time of such renewal: and *provided* also, that if any of said treasurers fail to comply with any of the above requirements, their respective supervisors may appoint another person to do the collecting who will give the necessary bond, and deliver the collection warrant to him.

**SEC. 5.** This act shall take effect and be in force from and after its passage.

Approved February 28, 1843.

[No. 32.]

**AN ACT** to provide for the completion and preservation of that portion of the Clinton and Kalamazoo Canal between the villages of Rochester and Frederick.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the Board of Internal Improvement are hereby authorized and required to let contracts for the construction of a feeder for the Clinton and Kalamazoo Canal at the village of Rochester, and for bringing the canal into the Clinton River at Frederick, and the completion of said canal ready for use between Paint Creek and the village of Frederick in Macomb county, and any warrants issued by the Auditor General in pursuance of said contracts shall be made payable in the lands of the State (except school and university lands) at not less than the minimum price thereof established, or to be established by law, to the extent of sixteen thousand acres of said land, such land being first offered for sale at auction : Provided, none of said land shall be located nor any of said warrants drawn until after the first day of August next, and that the state shall be in no way responsible for the payment of said warrants except in said land : And provided also, such contracts shall not be made against any lands of the State except the five hundred thousand acres granted by the United States to this State for Internal Improvement : And provided further, that such contracts shall not be let for more than the estimates that may be made by a competent engineer.

Board of int. imp. authorized to let contracts to construct feeder for Clinton & Kalamazoo canal, and to bring canal into Clinton river at Frederick. 16,000 acres of land appropriated for that purpose.

**SEC. 2.** The Commissioners of Internal Improvement are hereby authorized to lease on such terms and under such restrictions as they may deem advantageous and proper, any water privileges that may be created by the completion of such canal.

Commissioners of int. imp. authorized to lease water privileges to be created by said work.

**SEC. 3.** The Commissioners of Internal Improvement are hereby authorized to allow individuals the use of such canal for any of the purposes of canal navigation under such a tariff of tolls and other restrictions as they may deem proper and reasonable.

Commissioners authorized to fix a tariff of tolls.

## LAWS OF MICHIGAN.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 1, 1843.

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[No. 33.]

AN ACT to divide the state into congressional districts, and to provide for the election of representatives to Congress.

Preamble.

*Whereas*, The Congress of the United States, by the provisions of an act entitled "an act for the apportionment of Representatives among the several States, according to the sixth census," assumed the power to require of the Legislatures of the several States to provide for the election of members of Congress in single districts :

*And whereas*, The Legislature of this State has at no time heretofore refused, neglected, or from any cause been unable to provide for the election of, nor have the people at any time refused or neglected to elect a Representative in Congress :

*And whereas*, It is the deliberate and well settled opinion of this Legislature that, under such a state of facts, Congress does not possess the right, under the constitution, as construed and understood by the several States, upon its ratification and acceptance by them, to require of any State such concurrent legislative action, as such act contemplates :

*But whereas*, It is, nevertheless, the opinion of this Legislature, that the election of members of Congress in single districts, designated by the State Legislature, in the free and voluntary exercise of the power and discretion with which it is invested by the constitution of the State, is consonant with the spirit and genius of our institutions of Government, in accordance with the principle of representation in the popular branch of our National Legislature, and calca-

lated to promote in an eminent degree, the best interests of the State and people. *Therefore,*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the State shall be divided into three congressional districts as follows, to wit: State divided into congressional districts

SEC. 2. The counties of Monroe, Lenawee, Washtenaw, Wayne, 1st District. and Hillsdale shall constitute one district, and be denominated the first congressional district.

SEC. 3. The counties of Branch, St. Joseph, Cass, Berrien, Van Buren, Kalamazoo, Calhoun, Jackson, Allegan, Barry, Ionia, Eaton, Kent, Ottawa, Oceana, Newaygo, Mecosta, Notipekago, Aishcum, Manistee and Kautawaubet, shall constitute one district, and be denominated the second congressional district. 2d District.

SEC. 4. The counties of Macomb, Oakland, Livingston, Ingham, Clinton, Shiawassee, Genesee, Lapeer, St. Clair, Mackinac, Chippewa, Saginaw, Tuscola, Midland, Gladwin, Arenac, Ogemaw, Kankakee, Sanilac, Huron, and all the other counties in this State not included in the first and second congressional districts, shall constitute one district, and be denominated the third congressional district. 3d District.

SEC. 5. Each district shall elect one Representative in the Congress of the United States at the general election in the year of our Lord one thousand eight hundred and forty-three, and in the year of our Lord one thousand eight hundred and forty-four, and every two years thereafter, in the same manner as is now provided by law for the election of Representative in Congress. Each district to elect one representative.

SEC. 6. Section fourth, of chapter seventh, of title second, of part first of the revised statutes, shall be so amended as to read as follows: The said board of canvassers, when formed as aforesaid, shall proceed to examine the statements received by the secretary of State, of the votes given in the several counties, and make a statement of the whole number of votes given for the office of Representative in congress in each congressional district; which statement shall show the names of the persons for whom such votes shall have been given for said office, and the whole number of votes given for each; and the Board of canvassers to make a statement of votes given for Representatives; certify the same; determine who has the greatest number of votes, and file the same with the secretary of state.

said canvassers shall certify such statement to be correct, and subscribe their names thereto; and they shall thereupon determine what persons have been, by the greatest number of votes, duly elected to such office, and make and subscribe on such statement a certificate of such determination and deliver the same to the Secretary of State.

Approved March 2, 1843.

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[No. 34.]

AN ACT to amend an act entitled "An act to incorporate the city of Monroe."

Mayor, recorder, or clerk authorized to hold elections in the city of Monroe in certain cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the fifth section of the above recited act be and the same is hereby so amended as to authorize the Mayor or Recorder or clerk of said city under the direction of the Common Council to hold elections in any of the wards of said city where the Alderman of such ward is unable to hold such election in consequence of sickness or absence from said city.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1843.

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[No. 35.]

AN ACT to amend the charter of the city of Detroit.

Common council authorized to levy \$20,000 additional tax.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That in addition to the tax now authorized to be levied by the charter of said city, the common council of said city shall have power in the manner prescribed by the said

charter or any amendment thereof, with the consent of the taxable inhabitants of said city to cause to be levied and collected the sum of twenty thousand dollars, as follows : for the year eighteen hundred and forty-three the sum of ten thousand dollars, and for the year eighteen hundred and forty-four, the further sum of ten thousand dollars: *Provided*, the said sum so raised shall be applied in payment of the city debt, and the interest thereof.

SEC. 2. The word "streets" in the last provision of section forty-nine of the act entitled an act relative to the city of Detroit, approved April fourth, eighteen hundred and twenty-seven, shall be and the same is hereby stricken out, and the words "lanes or alleys" be and the same are hereby inserted instead thereof, so that when amended, said provision shall read as follows, viz: That nothing in this act contained shall be so construed as to authorize the said corporation or other authority, created by this act, to extend the lanes or alleys of said city across said farms unless by the consent of the proprietors thereof.

SEC. 3. If any officer has removed or shall remove from the ward for which he may have been elected or chosen, such removal shall be deemed a vacancy in such office : and whenever satisfactory evidence of such removal shall be presented to the common council, they shall hear the same and decide thereon according to the rights of the case.

Any officer removing from the ward where he was elected shall be deemed to have vacated his office.

SEC. 4. This act shall take effect from and after its passage.

Approved March 4, 1843.

[No. 36.]

An Act for the relief of the bail of prisoners on the jail limits.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That in all cases where a prisoner on the jail limits may be released by complying with the provisions of

Bail of prisoner may give notice and do all acts &c. for release of prisoner.

an act entitled an "an act to abolish imprisonment for debt and to punish fraudulent debtors," and the amendment thereto, passed March thirty-first, eighteen hundred and forty, the bail of said prisoner, or either of them, (when there are more than one surety,) may give the notice and perform all the acts required by said act and the said amendment thereto, in the name of the prisoner or in the name of his bail, and the effect shall be the same as if the proceedings were in the name, and with the consent of, or were prosecuted by the prisoner himself.

When prisoner will not surrender himself his bail may surrender him.

SEC. 2. That whenever a prisoner on the jail limits cannot be released in pursuance of the provisions of the act entitled "an act to abolish imprisonment for debt and to punish fraudulent debtors," and the amendments thereto, and will not, at the request of his bail, or either of them, surrender himself up, or be surrendered up by his bail, to the jailor of the proper county, pursuant to section eight, part third, title seventh, chapter first of the revised statutes, such bail, or either of them, may apply to any justice of the peace in the county in which such prisoner resides, and, on producing evidence of his or their being bail and verifying the reason of his application by oath or affirmation, it shall be the duty of the justice forthwith to grant a writ, directed to the sheriff or any constable of such county, commanding such officer forthwith to arrest such prisoner, if he may be found in such county, and surrender him up to the jailor of said county who is hereby authorized to receive such prisoner and him retain in jail until he is discharged by due course of law.

Any person held in prison 60 days may be discharged, &c.

SEC. 3. Any person held in prison for sixty days next preceding any term of the circuit court in and for the county where he may have been thus imprisoned, for having done, or having been about to do, any one or more of the acts specified in the fourth section of "an act to abolish imprisonment for debt" and who shall not be indicted for such offence, before the last day of said term, may be forthwith discharged by the court, in their discretion, upon a motion by the prosecuting attorney therefor.



**Sec. 4.** This act shall take effect and be in force from and after its passage.

Approved March 6, 1843.

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[No. 37.]

**AN ACT** to provide for the payment of the claim of **Morgan Bates** of the late firm of **Dawson & Bates**.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there be and is hereby appropriated out of any moneys in the State Treasury, or which may hereafter come into the treasury, to the credit of the general fund, the sum of five hundred and sixty-one dollars and sixty cents, being the balance due **Morgan Bates** of the late firm of **Dawson & Bates**, for printing done in the year one thousand eight hundred and forty-one, and for re-printing the annual reports lost in the fire of January first, eighteen hundred and forty-two.

Certain moneys appropriated to pay **Morgan Bates**

Approved March 6, 1843.

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[No. 38.]

**AN ACT** to amend chapter second, title eight, part first of the revised statutes relative to medical societies.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all after the word "societies" in the third line of section eight, chapter second, of title eight and part

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first of the revised statutes, to the word "provided" in the eighth line of said section be and the same are hereby repealed.

Persons holding themselves out to the public as physicians liable to prosecution for mal-practice.

SEC. 2. If any person who proposes to be a physician or surgeon, or shall hold himself out to the public or any person employing him to be such, shall be guilty of any neglect or mal-practice, an action on the case may be maintained against such person so professing and the rules of the common law applicable to such actions against licensed physicians and surgeons, shall be applicable to such actions in the case.

Approved March 6, 1843.

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### [No. 39.]

#### AN ACT to revive the acts incorporating the village of Kalamazoo.

Acts incorporating village of Kalamazoo revived.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act entitled an act incorporating the village of Kalamazoo, approved April third, eighteen hundred and thirty-eight, and the act entitled an act to amend an act incorporating the village of Kalamazoo, approved February eighth, eighteen hundred and thirty-nine, be and the same are hereby revived: *Provided*, however, that the election for trustees shall be held annually on the second Monday in April instead of the first Monday in March.

Approved March 6, 1843.

[No. 40.]

**AN ACT** to amend an act entitled "an act to repeal the acts consolidated in the revised statutes."

**WHEREAS**, It is manifest from various provisions of the revised statutes, in reference to the limitations of suits, that it was intended that **Preamble.** all actions which had accrued anterior to the time when said revised statutes should take effect, should be governed and determined by the statutes of limitation heretofore in force in this State, applicable thereto: and whereas, serious doubts have arisen whether the third section of "An act to repeal the acts consolidated in the revised statutes," and the eighth section of part third, title six and chapter first of the revised statutes admit of this construction: Therefore,

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the provisions of the several sections aforesaid be so construed as to mean and intend that all causes of whatever nature, real, personal and mixed, which accrued anterior to the time when the revised statutes took effect, shall be governed and determined by the several statutes of limitation theretofore in force in this State, applicable thereto; and it shall be competent for any defendant to avail himself of the provisions of any such act, in any real or mixed action under the general issue, with notice of the special matter, or by plea.

All causes of action which accrued anterior to the time when the revised statutes took effect to be governed by the statute of limitations repealed by the revised statutes.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

Approved March 6, 1843.

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[No. 41.]

**AN ACT** making appropriations for the improvement of the St. Joseph river.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there be, and there is hereby

5,000 acres of land appropriated for the improvement of the navigation of the St. Joseph river.

appropriated out of the five hundred thousand acres of land lately ceded to this State, for purposes of internal improvement, five thousand acres of land for the improvement of the navigation of the St. Joseph river in this State.

Commissioners authorized to let contracts

SEC. 2. That the board of internal improvement is hereby authorized to advertise for letting, and let such amount of contracts as shall be paid for by said land appropriated by the first section of this act; and all warrants drawn on the internal improvement fund under, or by virtue of this act, shall be drawn payable in lands hereby appropriated only: *Provided*, that such warrants, shall not be receivable for any such lands until they have first been offered for sale at public auction, and then under such regulations, and at such prices as are provided by law.

Approved March 6, 1843.

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[No. 42.]

AN ACT to organize a Land Office, and to regulate the sale of the public lands.

Land office established: commissioner to be appointed and to hold office 2 years.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there shall be established an office to be denominated the land office of the State of Michigan, the chief officer of which shall be called the commissioner of the land office, who shall after the first day of January next, and every two years thereafter, be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold his office for and during the term of two years, unless sooner removed in conformity with law, and shall receive an annual salary of one thousand dollars.

Commissioner to have charge of all lands.

SEC. 2. That the said commissioner shall have the general charge and supervision of all lands belonging to, or which may hereafter become the property of the State, or in which it has any interest or which are or may be held in trust by the State for any purpose, and

any lease, sell or dispose of the same in such manner as shall be directed by law.

SEC. 3. The said commissioner, and every other officer to be appointed and employed in said land office, shall, before he enters upon his duties, take the constitutional oath of office; which oath shall be in writing and filed in the office of the Secretary of State. To take oath,

SEC. 4. The commissioner of the land office shall also, before entering upon the duties of his office, execute a bond to the people of this State in the sum of fifty thousand dollars with at least two sufficient sureties, conditioned that he will well and faithfully discharge the trust committed to him, and that he will honestly account for and pay over all moneys and evidences of debt that may come into his possession as such commissioner, whenever required so to do by law, which bond shall be approved by the auditor general, and deposited in the office of the secretary of state. And execute bond.

SEC. 5. The said commissioner shall appoint one deputy, with the consent and approval of the governor, and may, also, if the business of his office should require it, appoint one or more clerks, who shall each take the oath or affirmation prescribed by the third section of this act. The commissioner shall have the power to remove either of them at his pleasure, and shall be responsible for their conduct while in office. To appoint deputy, &c.

SEC. 6. All the contracts, notes, obligations and evidences of debt of every name and description, and all books and papers now in the office of the superintendent of public instruction, touching and concerning the sale, leasing or other disposition of the primary school or university lands, of this State, and all contracts or obligations in the possession of any other officers touching or concerning any of the public lands of this State, or in which this State has any interest, shall be transferred to the office of the commissioner of the land office. All contracts, notes, &c., in office of sup. of pub. inst. to be transferred to office of commissioner.

SEC. 7. The auditor general, before the delivery of the books and papers to the commissioner of the land office as provided in the preceding section, shall, during the time that the land office remains a bureau or department of his office as provided for in the thirty- Auditor general to cause copies of all books &c. in his office to be made.

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second section of this act, cause to be made accurate copies of such portions thereof as he may deem necessary for the purpose of preserving a sufficient check upon the acts of said commissioner in relation to the lands therein mentioned, and such copies shall become a part of the records of his office.

State geologist to provide maps for aud. general and commissioner.

SEC. 8. The State geologist shall, as soon as may be after the passage of this act, provide for the offices of the auditor general and commissioner of the land office, maps of the lands named and referred to in the second section of this act, and the said maps shall be deemed a part of the records of each office.

University and school lands to be disposed of by com'r.

SEC. 9. All the lands set apart for the use of the university, and all primary school lands, shall be disposed of by the said commissioner on the same terms and conditions they can now be disposed of by the superintendent of public instruction, under the restrictions prescribed by this act, or which may hereafter be prescribed by law.

All lands belonging to the state to be first exposed to auction.

SEC. 10. All other lands belonging to the State, or which may hereafter become the property of the State, by gift, grant, purchase or otherwise, before they can be entered or sold at private sale, shall first be exposed at auction to the highest bidder, as hereinafter provided.

Commissioner to give 30 days notice of sale.

In what papers to be published.

SEC. 11. The commissioner of the land office shall give thirty days' notice of the time and place where said lands will be offered for sale, together with the name or number of the several townships and ranges in which the lands to be offered are situated, which notice shall be published at least once in each week in one newspaper published in each senatorial district: Provided, that in the first senatorial district the publication shall be made in the state paper. And provided further, that the said publication be made in the Albany Argus, in the State of New York.

No land sold at price less than fixed by law.

SEC. 12. No lands shall be sold at such public sale at a less price than the minimum price specified by this act, or at a less price than may hereafter be established by law.

When lands to be sold.

SEC. 13. The said lands, after having been once so offered, if not sold, shall be subject to sale by the said commissioner, to any

person or persons who shall pay to him the sum required by law.

Sec. 14. All warrants drawn by the auditor general, now outstanding, or that may hereafter be drawn in pursuance of law against any of the funds of this state, and all treasury notes, shall be receivable in payment for the public lands of this state : Provided, that the words "public lands" used in any part of this act shall not be construed to mean "university or primary school lands."

Warrants drawn by and general to be received in payment of said lands.

Sec. 15. The said commissioner shall keep a record of the sale and disposition of all the lands by him sold; of the name of the person or persons to whom sold; of the kind of funds or evidences of debt received in payment; the date of such sale and description of the piece or parcel so sold, and the number of acres contained therein, and the amount received therefor. He shall also keep an alphabetical index of the names of such purchasers, referring to the page of the book in which such sale is recorded: and all records of sale and all maps remaining in said office, shall be open to the inspection of any person during the stated hours of business each day.

Commissioner to keep record &c. and index

Sec. 16. On the sale of any lands at public sale or otherwise, agreeably to law, the said commissioner shall make out and deliver to the purchaser or purchasers of said lands, a certificate of such purchase, describing the lands purchased, the amount paid therefor, the date of the sale, and shall endorse on the same the kind of funds or evidences of debt received in payment, which certificate shall be regularly numbered, and a duplicate copy shall be retained by the commissioner, and another duplicate copy transmitted to the auditor general.

To deliver to purchaser a certificate and endorse on the same the kind of funds rec'd.

Sec. 17. When any payment of principal or interest on contracts for the purchase of university or primary school lands, or on any other contracts on which the said commissioner is or may be authorised to receive payments, shall be made, the said commissioner shall make an entry thereof, in the proper books, and make and deliver to the person paying the same, a receipt, setting forth in substance what is required to be set forth in the certificate referred to in the preceding section, and retain in his office a duplicate copy thereof, and

To make entry in proper books of payment of principal and interest on certain lands, and give receipt for the same.

transmit a duplicate copy to the auditor general, and the return of all duplicate certificates and receipts, required by this and the preceding section, shall be made on or before the first day of each month.

Commissioner to give information to county treasurer &c.

SEC. 18. The said commissioner shall, on or before the first day of April in each year, give information in writing to the county treasurer of any county in which any lands may have been sold, with a description of the lands and name of the purchasers, and such county treasurer shall give the like information to the supervisor of the township in which the lands are located.

Commissioner to deliver moneys, &c. and a statement of lands leased.

SEC. 19. The said commissioner shall, on or before the first day of March, June, September and December of each year, deliver to the treasurer of this State all moneys or evidences of debt received by him in said land office since the date of his last return, and also, make out and deliver to said treasurer an accurate statement and description of the lands leased or sold by him since the date of his last return, on account of which the said money or evidences of debt have been received, designating the names of the purchasers or persons paying the said funds, the kind of funds received, and the fund to which the same is to be credited.

Once in 3 mo. aud. general to transmit to governor an abstract of certificates. Governor to issue patents to purchasers.

SEC. 20. The auditor general shall, once in three months, transmit to the Governor of this state, an abstract of all certificates received by him as provided for in the seventeenth section of this act, specify the names of the purchasers and the description of the lands contained in each certificate, on the receipt of which the Governor shall execute patents of all lands mentioned in said certificates to the several purchasers thereof, which patents shall be under the seal of the state, countersigned by the secretary of state, and recorded in his office, and an exemplified copy thereof, or the original, shall be received as evidence of the facts contained therein in all courts of justice.

Sec. of state not to deliver to purchaser a patent in certain cases.

SEC. 21. The secretary of state shall not deliver to any purchaser such patent until the original certificate of the commissioner, endorsed by the treasurer and auditor general, as correct, shall be deposited in his office, unless the same shall have been lost or destroyed, and



upon the affidavit of the purchaser or his legal representatives of that fact, he shall be entitled to receive such patent, upon the presentation of a certificate of payment by the auditor general, countersigned by the state treasurer, as may appear by their files or records in their offices, which certificates and affidavits shall be filed in the office of the secretary of state.

SEC. 22. The certificate of purchase given by the commissioner to any purchaser in pursuance of the provisions of this act shall be sufficient evidence of title to enable such purchaser to maintain an action of trespass or other proper action for any injury to said lands, or to recover possession thereof, and they shall be liable to taxation after the issuing of such certificate.

Certified evidence for certain purposes.

SEC. 23. All actions for the recovery of any of the lands named in this act, all actions for any trespass or work [waste] committed on the same, and all actions for the determination of any matters incident to or connected with the establishment of the land office, and the duties of the commissioner in which the state is a party, (except suits against the commissioner,) shall be brought in the name of the "commissioner of the land office of the State of Michigan," and the prosecuting attorneys of the respective counties, when requested so to do, shall appear and prosecute any such suits free of charge to the state.

All actions to recover lands to be brought in the name of commissioner.

SEC. 24. In case any person at the time of the location and selection of any of the lands referred to in this act, was in actual possession of the same, and had made improvements thereon, with the intention of securing a pre-emption right, by virtue of the laws of congress, he shall be entitled to purchase said lands at the minimum price established by this act, within one year after this act takes effect: *Provided*, satisfactory evidence of such possession, improvements and intention be filed with the said commissioner before the time of sale authorized by the eleventh section of this act, or before said lands are sold to any other person: and *provided* also, that no person shall be entitled to claim by such pre-emption right, more than one hundred and sixty acres.

Pre-emption right secured in certain cases.

**Price of lands.** SEC. 25. No lands shall be sold by virtue of this act, at a less sum than one dollar and twenty-five cents per acre, and no sale of a less quantity than forty acres, shall be made to any person, unless the same is a fractional lot.

**Commissioner to make report.** SEC. 26. The commissioner shall, on the first day of December in each year, make a report of his doing to the governor, which report shall contain a description of all the lands sold or leased by him, the amount of the consideration received by him, the time when and the names of the persons from whom it was received, and suggest any alterations or modifications in this law, and shall cause the same to be published agreeably to the provisions of the first section of an act entitled "an act relative to certain state annual reports," approved April sixteenth, eighteen hundred and thirty-nine.

**Land office at Marshall.** SEC. 27. The land office required by this act shall be located in the village of Marshall, in the county of Calhoun, until otherwise directed by law.

**Claim for clerk hire to be presented to next legislature. Com'r to purchase safe &c.** SEC. 28. Any claim or charge of the commissioner for any clerk hire that may be necessary or required by this act for the first year after the same shall take effect, shall be presented to the next legislature of this state, and the legislature may fix the amount annually to be paid for such services; and the said commissioner shall purchase under the direction of the auditor general, at the expense of the state, all necessary furniture, books and stationary for the use of his office, together with an iron fire-proof safe for the safe keeping of the papers in his possession, the amount of which purchases shall be audited by the auditor general, on the presentation of the proper vouchers and on the certificate of its correctness by the commissioner, and shall be paid by the treasurer out of any moneys not otherwise appropriated.

**Register of deeds in counties to record patents.** SEC. 29. The registers of deeds of the several counties of this state, are hereby authorized to record the patents issued by the governor, in conformity with the provisions of this act, in their respective offices, and the record of said patent shall be as valid and effectual as though the same had been witnessed and acknowledged as other conveyances of real estate are by law required to be.

**Sec. 30.** The said commissioner, deputy, clerks, and every other officer created by virtue of this act, who shall violate any of the provisions of the same, or shall appropriate any of the public moneys or evidences of debt that may pass through his or their hands, to his or their own private use, except in pursuance of law, or shall lend to others or otherwise embezzle any of the said public moneys or evidences of debt, he or they shall be prosecuted for said offence, and on conviction thereof, be punished by fine and imprisonment; the fine not to exceed one thousand dollars and the imprisonment not to exceed five years, at the discretion of the court.

Penalties for violation of the provisions of this act.

**Sec. 31.** That the more effectually to insure correctness and expedition in the arrangement and organization of said land office, it shall be until the close of this current year, a bureau or department of the auditor general's office, who with the state treasurer, is hereby authorized and required to appoint some competent person to take charge of said office, who shall, after such appointment and after execution of the bond required to be given in the fourth section of this act, perform all the duties, receive the same compensation and exercise all the functions of the commissioner of the land office aforesaid and shall act as such commissioner until the first Monday of January next, and until his successor be appointed and qualified, and shall hold his office at the place designated in this act, and that the auditor general is hereby required to report to the next legislature such modifications and alterations of this act as shall appear to him to be necessary checks upon the business transactions of said office.

The land office for present year to be a bureau in aud. general's office. A competent person to be appointed to take charge of the same.

**Sec. 32.** The commissioner, the auditor general, secretary of state, and treasurer, or any two of them, shall appraise all the improved property belonging to the state, that has been derived from Michigan state bank assets or from any other source, or any improved property, the title to which shall hereafter be vested in the state, which appraisal shall be in writing, and a copy filed with the several officers above named, and the same shall be offered for sale, as contemplated by the tenth section of this act, and if not sold at such appraised value, the same shall remain in the said land office, subject to sale at any

Improved lands to be appraised.

time, at a minimum price, not less than the aforesaid value thereof, or of any subsequent appraisal.

Principal and interest to be paid to treasurer in certain cases.

SEC. 33. Any person may pay principal or interest, which may be due from him to the university or school fund, to the state treasurer, who shall give his receipt therefor, which shall be duly countersigned by the auditor general, and the auditor general is required to furnish the commissioner of the land office, a statement of all such payments, once every month.

Approved March 6, 1843.

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[No. 43.]

AN ACT to amend section fifty-two of an act entitled an act to provide for the voluntary dissolution of corporations and to prescribe the duties of Receivers in Chancery in certain cases, and for other purposes, approved April fifteenth, eighteen hundred and thirty-nine.

Sec. 52 of the amended act stricken out.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section fifty-two of an act entitled an act to provide for the voluntary dissolution of corporations and to prescribe the duties of Receivers in Chancery in certain cases and for other purposes, approved April fifteenth, eighteen hundred and thirty-nine, be amended by striking out in the first line of said section the words directors or stockholders.

Approved March 6, 1843.

[No. 44.]

AN ACT for the relief of Benjamin Irish.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* The auditor general is hereby authorized and required to issue his warrant in favor of Benjamin Irish for three hundred and ten dollars, and that sum is hereby appropriated for the payment thereof out of the general fund : *Provided* this appropriation is made in consideration of the good faith of the officer, the hardship of the case, and because he was deceived by the prosecuting attorney of Oakland county, and not because the said Irish has any legal claim on the state.

Aud. general authorized to pay certain moneys to B. Irish.

SEC. 2. The board of supervisors of Oakland county are hereby authorized to audit and allow to Benjamin Irish such additional amount as they may deem just and equitable.

Board of supervisors authorized to allow B. Irish an additional sum.

SEC. 3. This act shall take immediate effect.

Approved March 6, 1843.

[No. 45.]

AN ACT relative to the claim of Zephaniah Platt.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the claim of Zephaniah Platt be, and the same is hereby referred to the state treasurer, auditor general and secretary of state, who are hereby authorized and required to make a settlement of the same, and in case they shall award any sum to the said claimant, they are hereby authorized to give him a certificate for the amount so awarded him, and the state treasurer is hereby required to pay said sum out of any money in the treasury not otherwise appropriated on the warrant of the auditor general.

Claim of Z. Platt refer'd to state treasurer auditor gen. & sec. of state.

Approved March 6, 1843.

## [No. 46.]

AN ACT to repeal sections forty-three and forty-six of chapter 1st, title 7, part 1st, of the Revised Statutes.

Sec. 43 & 46, SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section forty-three and forty-six, of chapter one, title seven, part one, of the revised statutes, be, and the same are hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1843.

## [No. 47.]

AN ACT to amend part 1st, title 7, chapter 6, of the Revised Statutes relative to the interest of money.

Sec. 5. part 1. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section five, of part first, title seven, chapter six, of the revised statutes, be amended to read as follows :

On usurious contracts &c. judgment for principal and legal interest only.

SEC. 2. In any action brought by any person on such usurious contract or assurance, except as provided in the following section, if it shall appear upon a special plea to that effect, that a greater rate of interest has been directly or indirectly reserved, taken, or received, than is allowed by law, the plaintiff shall have judgement for the principal and legal interest only.

Sec. 7. part 1, title 7, chap. 6. SEC. 3. Section seven of part one, title seven, chapter six, of the revised statutes, is hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 6, 1843.

[No. 48.]

**AN ACT to regulate Tax Sales for the year eighteen hundred and forty-three, and for other purposes.**

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all lands returned to the auditor general's office, delinquent for taxes for the years eighteen hundred and thirty-six, eighteen hundred and thirty-seven, eighteen hundred and thirty-eight, or any of those years, being lawfully assessed, under the then existing laws, which have not been paid or otherwise discharged, may be sold by the auditor general, who is hereby required, after being satisfied of the proper assessment and return of said taxes, to advertise and sell the lands in the manner hereinafter described, for the sale of lands for the collection of taxes in the year eighteen hundred and thirty-nine, and the sale shall be as valid in law, and vest in the purchaser as good a title as though the said lands had been sold at the times required by the then existing laws for the sale of lands for the collection of taxes assessed in the said year : *Provided,* That if in any county in this state, there is returned and remaining in the treasurer's office, a list of unpaid taxes, regularly assessed and levied for the year of our Lord eighteen hundred and thirty-eight, or eighteen hundred and thirty-nine, which have been rejected by the auditor general for any informality not affecting the legality of such assessment, the county treasurer of said county shall present a list of the same, with the tax assessed, together with the interest and charges thereon, duly authenticated, to the board of supervisors, who shall cause the same to be re-assessed upon the same land and collected with, and in the same manner as the taxes of eighteen hundred and forty-three. If said tax cannot, for any informality in the return, be re-assessed, on the same lands, they shall re-assess the same, or any part thereof upon the taxable property of the proper township, as may appear to said board most equitable : *Provided,* The same have not been charged back and re-assessed.

Lands, taxes unpaid may be sold.

To be advertised.

Sale legalized.

Proviso.

Certain rejected towns may be re-assessed on same lands.

May be assessed against township in certain cases.

Proviso.

Persons holding lien against lands may pay tax prior to September 1st.

**SEC. 2** All owners and persons who have a lien upon any lands returned for taxes for the years aforesaid, or for the year of our Lord eighteen hundred and thirty-nine, may pay the taxes with interest as now provided by law, and the lawful charges thereon, to the state treasurer, on the certificate of the auditor general, at his office, at any time prior to the first Monday of September next, and not thereafter, and if paid by a person having a legal lien, the state treasurer's receipt therefor duly countersigned, shall be an additional lien on such lands to the amount of such receipt, and shall be added with interest, to the amount of the original lien, and make part thereof, and be collected in the same manner as the original lien.

Additional lien how constituted.

Newspaper publication.

**SEC. 3.** The auditor general shall cause to be published for twelve weeks successively, next previous to the first Monday of October next, in one newspaper printed in each county, where any of the lands aforesaid shall be offered for sale, a full and accurate statement of all the lands delinquent in said county, for the payment of taxes for the year eighteen hundred and thirty-nine, and the years aforesaid and interest as [to first] of October, adding thereto the cost of advertising, messengers, postages, expenses of sale, returns thereof, and conveyances, calculated upon each description, by dividing the lawful charges by the whole number of descriptions, and such statement shall be printed in the body of a newspaper, and in case there is no newspaper printed in the county, where the lands are situated, such statement shall be printed in an adjoining county, or if there is no newspaper printed in the adjoining county, then in the nearest county in which a newspaper is printed.

Cost of advertising, &c.

How printed.

Notice of sale to be forwarded to county treasurer.

**SEC. 4.** Such statement shall contain a notice that said lands will be sold on the first Monday of October next, as hereinafter provided, and a copy of such lists and notice shall be forwarded to each county treasurer, who shall keep the same in his office and permit it to be examined at all reasonable hours free of expense.

**SEC. 5.** No printer shall be paid for printing any copy of the aforesaid lists and notices, who does not forward to the auditor ge-



neral, within twenty days of the last publication thereof, an affidavit of such publication, made by some person to whom the facts are known.

Sec. 6. As soon after the first Monday of September as shall be practicable, the auditor general shall prepare and transmit to the several county treasurers, lists of all lands on which the taxes, interest and charges have been paid, which lands shall be struck from the lists in the office of the several county treasurers, and by them withheld from sale.

List of lands to be withheld from sale.

Sec. 7. On the day designated in the notice of sale, the several county treasurers, under the direction of the auditor general, shall commence the sale of those lands on which the taxes shall not have been paid as aforesaid, and shall continue the same from day to day, the first day of the week excepted, until so much of each parcel assessed shall be sold as will be sufficient to pay the taxes, interest and charges thereon as hereinafter provided.

Sale:

Sale continued.

Sec. 8. All lands sold under the provisions of this act, if the quantity sold be less than the whole lot or tract, shall, if practicable, be sold in lots to be as nearly square as possible, and situate in or as near as may be, to the north-east corner of the tract of which it is a part.

Sale from N. E. corner of tract.

Sec. 9. The owner, or any other person, may pay the county treasurer the amount of tax, interest and charges due on any parcel of land, at any time after the first Monday of September and before the same shall actually have been struck off by him, in which case the land shall be withdrawn from sale, and the same funds shall be received as is hereinafter provided to be received at the sale.

Tax may be paid to county treasurer after 1st Sept.

Funds receivable.

Sec. 10. In case no bid shall be offered equal to the amount of the claim the state may have on any parcel of land, the same shall be struck off to the state.

Bid off to state.

Sec. 11. Any county treasurer, in his discretion, may require immediate payment of any person to whom any parcel of land is struck off, and in all cases where payment is not made in twenty-four hours, he may declare the bid cancelled, and at his discretion sell the

Bids when to be paid.

Certain bids not to be received. lands again; and any person so neglecting or refusing to pay any bid, shall not be entitled, after such neglect or refusal, to have his bid received by the treasurer.

Funds receivable at sale. SEC. 12. Each of said county treasurers shall receive at such tax sales, the bonds heretofore issued, due, or to become due, and such other funds as shall, at the time, be receivable by law at the state treasury on account of the general and delinquent tax fund; but the necessary printing, and sale charges shall be paid in specie, or its equivalent. The state treasurer shall notify the county treasurers what amount must be paid in specie, and the remittance of all moneys received at tax sales, shall be made as directed by the state treasurer, and the expenses of advertising and sale shall be paid therefrom, on the auditor general's warrant, and the remainder, as received, shall be placed to the credit of the delinquent tax fund, from which the surplus, if any, shall be paid, as hereinafter provided.

Paid in specie.

Printing charges how paid.

Certificate of sale. SEC. 13. At the sales aforesaid, the respective county treasurers, shall give each purchaser, on the payment of his bid, a certificate in writing describing the lands purchased and the amount paid therefor, and shall endorse thereon the kind of funds received; and such certificate shall be regularly numbered and a copy thereof forwarded to the auditor general in such manner as he shall direct.

Aud. general's deed. SEC. 14. On presentation of such certificate of sale to the auditor general he shall execute to the purchaser, his heirs or assigns, a deed of the land therein described, unless the auditor general shall have discovered that the same was improperly sold, which deed shall be

Deeds prima facie evidence *prima facie* evidence of the correctness of all proceedings prior to the execution of the deed, but the lands therein conveyed shall be subject to all taxes chargeable thereon.

Deeds withheld in certain cases. SEC. 15. If the auditor general shall discover, before the sale, or conveyance of any of the lands aforesaid, that on account of irregular assessment, or for any other cause, any of said lands ought not to be sold or conveyed, he shall forbear to sell or withhold a conveyance after sale as the case may be, and, in such case, if sale has been

made, he shall on demand cause the money so paid to be forthwith refunded. Money refunded.

SEC. 16. If such errors originate with county or township officers, the amount so refunded, shall be charged against the county from which the tax was returned, and the supervisor of such county shall cause the same to be refunded to the state treasurer. County charged in certain cases.

SEC. 17. If the invalidity of the sale is not discovered until after the auditor general shall have conveyed the land, he shall on demand refund the money paid, with seven per cent. interest, and in all such cases, when the auditor general, deeming a title invalid, shall have offered the purchaser his money and interest on delivery and cancellation of deed, and the purchaser shall have refused to accept the money and cancel the deed, the purchaser shall be forever debarred from receiving any more than the purchase money and seven per cent. interest thereon, up to the day of such offer and refusal, and such money when paid by the state treasurer shall be refunded to the state by the proper county, as specified by the last preceding section, and in any ejectment, brought by the original owner to recover such lands, the purchaser only and not the state shall be liable to costs. Invalid sale money refunded.  
When money offered and refused interest stops.  
County to refund.  
Purchaser liable to costs in ejectments.

SEC. 18. Should the burning of the printing-office where any such publication of the tax sales, as specified in this act, are made in any of the counties, or any other unavoidable calamity, interrupt or prevent the full notice required by this act, or any notice be deficient from clerical errors or omissions, it shall be lawful for the auditor general to sell the lands thus omitted to be notified, at the next tax sales, in the same manner as the other tax sales are made. Accidents. Insufficient notice how remedied.

SEC. 19. The sales of lands delinquent for the taxes of eighteen hundred and forty, shall be advertised to take place on the first Monday of October next, and shall be held on that day and the succeeding days, following in order by townships the sale of lands delinquent for the taxes of previous years; and all the provisions of this act shall apply to such advertising and sale: *Provided*, that the lands sold in virtue of this section shall for one year thereafter, be subject Taxes 1840 also sold 1st Oct.

Redemption. to redemption upon payment of the amount due at the time of sale, with the expenses thereof and interest upon such amount at the rate of fifteen per cent : and *provided* further, that no deed shall be executed by the auditor general upon any certificate of sale given in virtue of this section, until the time of redemption thereon shall have fully expired.

Repealing  
clause.

SEC. 20. All laws inconsistent with or contradictory to the provisions of this act, are so far repealed as to give this act its full force and effect.

SEC. 21. This act shall take effect and be in force from the day of its passage.

Approved March 6th, 1843.

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[No. 49.]

AN ACT to provide for the assessment and collection of Taxes.

Property to be  
taxed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all property real and personal, within this state, not hereinafter expressly exempted, shall be subject to taxation in the manner provided by law.

Real estate  
how construed

SEC. 2. Real estate shall, for the purposes of taxation, be construed to include all lands within the state, and all buildings and other fixtures thereon.

SEC. 3. Personal estate shall, for the purposes of taxation, be construed to include all goods, chattels, moneys and effects, wheresoever they may be : all ships and vessels, whether at home or abroad : all moneys at interest, due the person to be taxed, more than they pay interest for, and all other debts due to them more than their indebtedness ; all public stocks and securities, stock in turnpikes, railroads, canals, bridges, and all the personal estate of moneyed corporations,

whether the owners thereof reside within or without the state; and also, an income from an annuity unless the capital of such annuity shall be taxed within this state: *Provided*, That the personal estate of all moneyed corporations shall be assessed to such corporation in the township or city in which the same is situated: *And provided*, That all railroads, depot buildings, wood houses, cars, locomotives, and all other property of private corporations, shall be assessed in the name of the corporation, and in the town where the same shall be situated, and in collecting the same all the property of said company shall be liable to be seized wherever the same shall be found in the county, and sold in the same manner as the property of individuals are sold for taxes under the provisions of this act.

Proviso.

Further proviso.

Property exempt taxation.

**Sec. 4.** The following property shall be exempt from taxation, viz:

**First.** All the property of the United States and of this State, except as is provided in the sixty-eighth section of this act; and all arms and military equipments of individuals liable to do military duty.

**Second.** All the public or corporate property of the several counties, cities, villages, and school districts in this state.

**Third.** The personal property of all literary, benevolent, charitable and scientific institutions incorporated within this state, and such real estate belonging to such institutions as shall actually be occupied by them or by the officers of said institutions for the purposes for which they were incorporated.

**Fourth.** All houses of public worship with the pews or slips and furniture therein, rights of burial and tombs whilst in use as repositories of the dead.

**Fifth.** Ten sheep, and the wool of the same, one cow, five swine.

**Sixth.** One bed, bedding and bedstead to every two persons in the family.

**Seventh.** Provisions necessary for the family for six months, and all necessary wearing apparel of the person to be taxed, and of his wife and children.

**Eighth.** One table, six chairs, six knives and forks, six cups and

saucers, all spinning wheels and weaving looms, not exceeding fifty dollars in value, necessary cooking utensils, not to exceed in value twenty dollars.

*Ninth.* Necessary stoves put up for use in the dwelling-house.

*Tenth.* The bibles and school books used in the family.

*Eleventh.* All tools necessary to enable the owner to carry on his trade or business, not exceeding fifty dollars in value.

*Twelfth.* All mules, horses, swine, and neat cattle less than one year old.

*Thirteenth.* The estates of Indians.

*Fourteenth.* The personal estate of persons who by reason of infirmity, age, and poverty, may, in the judgment of the assessors, be unable to contribute towards the public charges.

Persons in possession of mortgaged premises to be taxed.

SEC. 5. In cases of mortgaged real estate, the mortgagor, or person in possession, shall, for the purposes of taxation, be deemed the owner, and taxable therefor until the mortgagee shall take possession thereof, after which the mortgagee shall be deemed the owner.

Tenant may retain amount of tax.

SEC. 6. When a tenant paying rent for real estate, shall be taxed therefor, he may retain out of his rent, the taxes paid by him, unless there be an agreement to the contrary.

Personal estate, with exceptions, when and where to be assessed.

SEC. 7. All personal estate within this state, except in the cases enumerated in the third and eighth sections, shall be assessed to the owner in the township where he shall be an inhabitant, on the third Monday of April.

Exceptions.

SEC. 8. The excepted cases mentioned in the preceding, and not included in section three, are the following, namely:

Merchandise, where taxed in certain cases.

*First.* All goods, wares, and merchandize, or any stock in trade, including stock employed in the business, of the mechanic arts, in townships within the state, other than where the owners reside, shall be taxed in those townships, if the owners hire or occupy stores, shops, or warehouses therein, and shall not be taxable where the owners reside.

*Second.* All machinery employed in any branch of manufactures, and belonging to any corporation, shall be assessed to such corpora-

tion, in the township or other place where such machinery may be situated or employed, and in assessing the stockholders for their shares in any manufacturing corporation, there shall first be deducted from the value thereof the value of the machinery and real estate belonging to such corporation.

Certain machinery where to be assessed, &c.

*Third.* All horses, mules, neat cattle and swine, kept throughout the year in townships other than where the owners reside, shall be assessed to the owners in the township where they are kept.

Live stock where assessed.

*Fourth.* All personal property belonging to minors under guardianship, shall be assessed to the guardian in the township where he is an inhabitant, and the personal property of all other persons under guardianship shall be assessed to the guardian in the township where the ward is an inhabitant.

Personal property of minors, &c where assessed.

*Fifth.* All personal property held in trust by any executor, administrator or trustee, the income of which is to be paid to any married woman, or other person, shall be assessed to the husband of such married woman, or such other person respectively, in the township of which he is an inhabitant, but if such married woman, or other person reside out of the state, the same shall be assessed to said executor, administrator or trustee in the township where he resides.

Trust property how and where assessed.

*Sixth.* Personal property placed in the hands of any corporation or individual as an accumulating fund for the future benefit of heirs, or other persons, shall be assessed to the person for whose benefit the same is accumulating, if within the state; otherwise, to the person so placing it, or his executors or administrators until a trustee shall be appointed to take charge of such property, or of the income thereof.

Cumulative property to whom assessed.

*Seventh.* The personal estate of deceased persons, which shall be in the hands of the executors or administrators, and not distributed, shall be assessed to the executors and administrators, in the township where the deceased person last dwelt, until they shall give notice to the assessors that the estate has been distributed and paid over to the parties interested therein.

Property of deceased persons where & to whom assessed.

*Eighth.* All property held by any religious society as a ministe-

Property of religious societies &c. to whom assessed and where taxed.

rial fund shall be assessed to the treasurer of such society, and if such property consists of real estate, it shall be taxed in the township where such property lies, and if it consists of personal property, it shall be taxed in the township where such society usually holds its meetings.

Mortgaged personal estate deemed property of possessor.

SEC. 9. Where personal property is mortgaged, or pledged, it shall for the purposes of taxation, be deemed the property of the party who has the possession thereof.

Und. real estate of dec'd persons, to whom assessed in certain cases.

SEC. 10. The undivided real estate of any deceased person may be assessed to the heirs or devisees of such person, without designating any of the heirs or devisees by name, until they shall have given notice to the assessors of the division of the estate, and the names of the several heirs and devisees, and each heir or devisee shall be liable for the whole of such tax, and shall have a right to recover of the other heirs or devisees their respective portions thereof when paid by him.

Mercantile partners, &c. how and where taxed.

SEC. 11. Partners in mercantile or other business, whether residing in the same or different townships, may be jointly taxed under their partnership name in the township where their business is carried on, for all the personal property employed in such business, and if they have places of business in two or more townships, they shall be taxed in those several townships for the proportion of property employed in such townships respectively, and in case of being so jointly taxed, each partner shall be liable for the whole tax.

Supervisors or assessors or both shall make out assessment roll between certain days in each year, how.

SEC. 12. The supervisor of each township in this state, shall, unless the legal voters in such township present at the opening of the annual township meeting shall decide by resolution, which shall be entered upon the records of the township, that there shall be chosen by ballot at such meeting two assessors to assist the supervisor in taking the assessment, and such resolution being passed and recorded, shall continue in force until duly rescinded by the electors of the township. In all cases where assessors shall be elected, they shall each before entering upon the duties of the office take and subscribe the oath prescribed in the constitution, and he, or they, as the case



may be, between the third Monday in April and the fourth Monday of May in each year, shall make out an assessment roll of all the taxable property in their township, either by visiting the residence of each individual, or inquiring personally of the owner, or occupant of any estate, real or personal to be taxed, if said owner reside within said township, and shall appraise the same at its true cash value. And in all cases where the owner is an occupant, the assessment shall be in his name, but otherwise, in the name of the occupant; and where a farm lies in two or more townships, the farm shall be assessed in the township where the mansion house may be, and no other.

Assessment in whose name.

Sec. 13. For the greater convenience of the assessors, they may divide their township into districts, and assign one district to each assessor for the purpose of ascertaining the property liable to taxation, and the persons subject to the payment of taxes thereon; but such property and persons and the valuation of such property shall be finally determined and made by them jointly; and if any assessor shall neglect such duties within his district, the other assessors shall perform them.

Townships divided into districts.

Valuation by assessors jointly.

Sec. 14. As soon as the assessment roll is completed, the assessors shall give notice to the inhabitants of the township, by posting up notices in three of the most public places in the township, one of which shall be on the outside door of the building where the last annual township meeting was held, stating therein that they have completed the assessment roll of said township, and that on a day and place named in said notice, which day shall not be less than ten days from the time of posting up said notice, they will review said roll, and on the request of any person conceiving himself aggrieved, and on sufficient cause being shewn by the affidavit of such person, or by other evidence to the satisfaction of the assessors, they may alter the same as to the property of any such persons or the estimated value thereof; but when the party makes affidavit of the value, he or they shall assess it at the value sworn to.

Roll completed, assessors to give notice.

Review of assessment roll.

Altere in certain cases.

Contents of assessment roll.

Auditor general to transmit blanks. Assessors how supplied.

Real estate how described

SEC. 15. The assessment roll shall contain the names of the resident persons liable to be taxed ; a full and perfect description of the real estate of such persons ; the number of acres in each tract or parcel ; the value of each tract or parcel ; the aggregate valuation of the personal estate of such person, for which purposes the auditor general, before the third Monday of April in each year, shall prepare and transmit suitable blanks to the several county treasurers, who shall immediately supply all the assessors with the same, which shall be in such form as the auditor general shall direct.

SEC. 16. The description of real estate shall be as follows : If the land to be assessed be an entire section, it shall be designated by the number of the section, township and range, but if the tract be the subdivision of any section authorized by the United States for the sale of public lands, it shall be designated by that division with the addition of the number of section, township and range.

*Second.* If it be less or other than any such subdivision, it shall state the name or number of the lot or tract, or by what other lands it is bounded.

*Third.* In case any lands shall be surveyed and laid out into a village plat and recorded in the register's office of the county, if the tract or lot to be assessed be a whole lot or block it shall be designated by the number or description of such lot or block, but if it be a part of a lot or block, it shall be designated by boundaries, or in some other way by which it may be known, and it shall not be necessary to insert the quantity of such lands in the column of the assessment roll containing the number of acres.

*Fourth.* If the land to be assessed be a tract of which the subdivision cannot be ascertained by the supervisor, he shall enter on the roll the name and boundaries thereof, and undivided interests or shares shall be assessed as owned, if such ownership is known to the assessors.

Non-resident lands assessed.

SEC. 17. The assessors shall assess all lands in their townships, which are unoccupied and not claimed to be owned by any resident of their township, and not exempted from taxation, as non-resident

lands, and they shall be described in like manner as is herein provided for the description of the real estate of residents, and he or they shall enter the same on a part of the roll separate from that containing the estate of residents.

SEC. 18. When a person is assessed as trustee, guardian, executor, <sup>Trustees, &c.</sup> or administrator, he shall be assessed as such with the addition to his <sup>how assessed.</sup> name of his representative character, and such assessment shall be carried out in a separate line from his individual assessment.

SEC. 19. When the assessors shall have completed the assessment <sup>Assessment roll completed.</sup> roll, they shall attach a certificate thereto in the following form, which shall be signed by them: "We do hereby certify that we have set down in the above assessment roll, all the real estate in the town- <sup>Certificate.</sup> ship of                    liable to be taxed, according to our best information, and that with the exception of those cases in which the value of said real estate has been sworn to by the owner or possessor thereof, we have estimated it at a sum which we believe to be the just value thereof, and, also, that the said assessment roll contains a true statement of the aggregate amount of the taxable personal estate of each and every person named in said roll; and that except in those cases where the value of such personal estate has been sworn to by the owner or possessor, we have estimated the same at its just value, according to our best information and belief."

SEC. 20. The township clerk of every township shall, on or before the first Monday of October in each year, deliver to the supervisor of his township, a statement of the amount of money to be raised for township purposes; the amount voted for highways and bridges; the amount voted for the maintenance and support of common schools, separately stating the amount of each, as well as the aggregate amount. The board of supervisors of each county, shall at their session in October in each year, examine the assessment rolls of the several townships in the county, for the purpose of ascertaining <sup>Township clerk to deliver statement.</sup> whether the relative valuations of the real estate in the townships respectively have been equally and uniformly estimated; and if on such examination, they shall deem such valuation to be relatively <sup>Supervisors to correct assessment.</sup>

disproportioned, the said board of supervisors shall equalize the same by adding to or deducting from the valuations of the real estate in any township, such per centum as may in their judgment produce, relatively, an equal and uniform valuation of the county.

Supervisor & treasurer to make alterations. Board to meet annually.

SEC. 21. The board of supervisors, together with the county treasurer, shall also make such alterations in the description of lands as may be necessary to render such descriptions conformable to this act; and for this and other purposes, said board shall meet annually, on the first Monday of October, at the respective county sites, and at such other times as they may adjourn to, or on special notice for that purpose, given on a written application of a majority of the board of supervisors, by the county clerk, and so much of all acts heretofore passed, as fix other days for the meeting of said board are hereby repealed.

Certificate when and how made.

SEC. 22. After the assessment roll of each township shall have been equalized and corrected by the board of supervisors, a certificate signed by the chairman of the board, shall be made upon or appended to the roll of each township in the following form, to wit: "I do hereby certify that the board of supervisors have equalized and corrected the within roll and have determined that the aggregate amounts of the real and personal property of the township of \_\_\_\_\_ to be \_\_\_\_\_ dollars \_\_\_\_\_ cents, for the year eighteen hundred and \_\_\_\_\_ ;" which assessment roll, thus certified,

Certified roll kept by sup'r.

shall be delivered to the supervisor of the proper township, who shall file and keep the same in his office.

Supervisors to record, &c. when.

SEC. 23. It shall be the duty of the board of supervisors at the time of equalizing the assessment rolls, in October in each year, to enter on their records the aggregate valuation of the real and personal property of each township of their county, from which record the clerk of the board shall, within ten days from the meeting there-

Clerk of board to transmit statement to aud. general.

of, make out a statement of the aggregate valuation of the real and personal property of the county, and transmit the same immediately, by mail or otherwise, to the auditor general.

SEC. 24. The board of supervisors for each county, shall, at their

October session in each year, ascertain and determine the amount of money to be raised by tax for county purposes ; and shall, at their said session, apportion the said amount, and also, the amount of state tax required by law, to and among the several townships of the county, in proportion to the valuation of the taxable property for the year, in the townships respectively, as equalized by said board, which determination and apportionment they shall enter at large on their records.

SEC. 25. The clerk of the board of supervisors shall make out two certificates of the amount apportioned to be assessed on the taxable property of each township, for state and county purposes, one of which shall be delivered to the county treasurer, and the amount therein specified shall be charged to the township, and the other to the supervisor of such township, who shall then proceed to assess taxes therefor, together with a tax for the amount of money to be raised by each township upon the taxable property in the township, according and in proportion to the individual and particular estimate and valuation, as specified, in the assessment roll of the township for the year ; which taxes, except for the payment of principal or interest on loans already contracted, shall never exceed one per cent on the valuation, of which the amount assessed for township tax, shall not exceed four mills on a dollar of the valuation.

Clerk to make out certain certificates.

Assessment how made.

Tax limited, with exception.

SEC. 26. The supervisor of each township, immediately after ascertaining the amount of state and county taxes, apportioned to his township, shall notify the township treasurer of the amount ; and such treasurer, on or before the first day of November, shall give to the county treasurer a bond, in double the amount of such state and county taxes, with good and sufficient sureties, to be approved by the supervisor of the township or the county treasurer, conditioned that he shall duly and faithfully perform the duties of his office, which bond shall be delivered to the county treasurer by the first day of November, and by him filed of record ; and he shall, on the receipt thereof, give to the township treasurer a receipt, stating that he has received the bond required by this section, and such receipt shall be

Supervisor to notify tp. treasurer of am't of tax.

Town treasurer to give bond

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**Form of assessment roll.**

delivered to the supervisor; whereupon he shall, on or before the fifteenth day of November, deliver, or cause to be delivered to the township treasurer a copy of the corrected assessment roll of his township, with taxes annexed to each valuation, with the school and school house taxes in one column, the highway taxes in another, and the township, county, and state tax in another column; and, if other taxes are at any time required by law, they shall be in another column; and the warrant shall specify particularly the amounts and purposes for which such taxes are to be paid into the township and county treasuries.

**Supervisor's warrant to be annexed to assessment roll, &c.**

SEC. 27. To the assessment roll so delivered to the treasurer, a warrant under the hand of the supervisor shall be annexed, commanding such treasurer to collect from the several persons named in the assessment roll, the several sums mentioned in the last column of such roll opposite their respective names, and to account for, and pay over the same to the county and township treasurers for the purposes therein specified, on or before the first day of February, then next; and the said warrant shall authorize the treasurer, in case any person named in the assessment roll shall refuse or neglect to pay his tax, to levy the same by distress and sale of the goods and chattles of such person.

**Warrant authorize a levy in certain cases.**

**Pay of assessors.**

SEC. 28. The assessors shall receive one dollar a day each, for the time actually employed in making the assessment for their township, and their accounts shall be audited by the township board, and paid from the township treasury.

**Taxes made a lien.**

SEC. 29. The taxes assessed upon any real estate of any resident or non-resident, and all legal charges made thereon, shall be a lien on said real estate from the first day of November of the year in which such real estate was assessed.

**Supervisor to transfer books, papers, etc. to successor; to make certified copies.**

SEC. 30. The supervisor shall preserve and keep all books, papers and assessment rolls belonging to his office, and shall transfer the same, on demand, to his successor in office, and on the application of any person, shall give certified copies of any papers in his office, or abstracts from any assessment roll, and for making such copies or

abstract, he shall be entitled to receive from the person applying for the same, six cents for each folio : *Provided*, That no such certificate and copy shall be required for less than twelve and a half cents.

*Collection and return of taxes.*

SEC. 31. The treasurer of each township upon receiving the tax list and warrant, shall proceed to collect the taxes therein mentioned and for that purpose shall call at least once on the person taxed, if a resident, or at the place of his usual residence in the township, and demand payment of the taxes charged to him, and no property liable to be taxed by this act shall be exempt from levy and sale in the collection thereof.

*Tp. treasurer when and how to collect tax.*

SEC. 32. In case any person shall refuse or neglect to pay the tax imposed on him, the treasurer shall levy the same by distress and sale of the goods and chattels in his possession wheresoever the same may be found within his township.

*Refusal or neglect to pay taxes, levy.*

SEC. 33. The treasurer shall give public notice of the time and place of sale, and of the property to be sold at least ten days previous to the sale, by advertisement to be posted up in at least three public places in the township where such sale shall be made; and the sale shall be by public auction.

*Notice of sale, when & how.*

*Auction sale.*

SEC. 34. If the property distrained shall be sold for more than the tax and collection fees, the surplus shall be returned to the person in whose possession said property was when the distress was made, if no claim be made to such surplus by any other person ; if any other person shall claim such surplus on the ground that the property sold belonged to him, and such claim be admitted by the person for whose tax the same was distrained, the surplus shall be paid over to such owner ; but if such claim be contested by the person for whose tax the property was distrained, the surplus money shall be deposited in the township treasury until the rights of the parties shall be determined by due course of law.

*Surplus proceeds to be returned, to whom.*

SEC. 35. In case any person, upon whom any tax may be assess-

**Tax on personal property of persons removed out of township, how collected.**

ed in any township, for personal property, shall have removed out of such township after such assessment, and before such tax ought, by law, to have been collected, it shall be lawful for the treasurer of such township to levy and collect such tax of the goods and chattels of the person so assessed, in any township within the county to which such person shall have removed, or in which he shall reside.

**Treasurer may receive a portion of any tax, where a part or interest of any person is clearly defined.**

**SEC. 36.** The treasurer shall receive the tax or any one of the several taxes, on a part of every lot or parcel of land, or an individual share or interest, which is clearly defined by the person paying the tax, or on any other interest that the tax payer will clearly define; and if the tax on the remainder of such lot or parcel of land shall re-

**Remaining tax how disposed of. When undivided interest.**

main unpaid, the treasurer shall enter such specification in his return to the county treasurer; but if the part on which the tax shall be so paid, shall be an undivided share, then the person paying the same shall state to the treasurer the name of the person who is the owner of such share, that it may be excepted in case of a sale for the tax on the remainder; and the treasurer shall enter the name of such owner on his account of arrears of taxes.

**Township treasurer may retain township moneys.**

**SEC. 37.** The treasurer shall retain in his hands the amounts specified in his warrant for township purposes as therein specified, and shall within one week after the time mentioned in his warrant for paying the moneys directed to be paid to the county treasurer, pay to such county treasurer the sum required in his warrant, either in delinquent taxes or in funds then receivable by law.

**Treasurer to pay over moneys.**

**Proceedings to be had if treasurer is unable to collect unpaid tax.**

**SEC. 38.** If any of the taxes mentioned in the tax list annexed to his warrant, shall remain unpaid, and the treasurer shall be unable to collect the same from the owner or occupant of the premises so assessed, he shall make out a statement of the taxes so remaining unpaid and due, with a full and perfect description of the same from his tax list, and submit the same to the county treasurer, who shall immediately compare the same with the assessment tax roll in the hands of each township treasurer, and if he finds it to be a true transcript thereof, he shall add to it a certificate shewing that he has examined and compared the statement with the assessment roll and found it cor-



rect; which statement so certified, the treasurer shall file of record in his office, and upon making oath before the county treasurer, or in case of his absence, before any person empowered to take affidavits, that the sums mentioned in such statement remain unpaid, and that he has not, upon diligent enquiry, been able to discover any goods or chattles belonging to, or in the possession of the person charged with or liable to pay such sums, whereon he could levy the same upon the premises so assessed or otherwise, he shall be credited by the county treasurer with the amount thereof; and for making such return, he shall be entitled to one dollar and fifty-cents, and six cents travel fee one way, to be allowed and paid him by the county treasurer.

Sec. 39. Upon the settlement of the amount of taxes directed to be collected by the treasurer of the township and to be paid to the county treasurer, the county treasurer shall endorse the bond as paid up and satisfied, and shall give to such treasurer, or to any of his sureties, if required, a satisfaction piece in writing, and the township treasurer shall immediately deposit his tax roll and warrant with the township clerk of his township, whose duty it shall be to preserve the same as a record in his office.

Bond to be endorsed, satisfied when.

Satisfaction piece.  
Township cl'k to preserve assessment roll.

Sec. 40. In case the treasurer of any township shall refuse to serve, or shall die, resign or remove out of the township, before he shall have entered upon, or completed the duties of his office, or shall be disabled from completing the same, by reason of sickness or any other cause, the township board shall forthwith appoint a treasurer for the remainder of the year, who shall give like security and be subject to like duties and penalties, and have the same powers and compensation as the treasurer in whose place he was appointed, and the township board shall immediately give notice of such appointment to the county treasurer; but such appointment shall not exonerate the former treasurer or his sureties from any liability incurred by him or them.

In case of death, resignation or removal of town treasurer, tp. board may appoint, &c.

Sec. 41. It shall be the duty of the township treasurer to retain in his hands the amounts raised for township purposes; the amount of

What moneys town treasurer may retain.

How paid  
out.

school taxes, or for the support of the poor, or the highway taxes, and pay them out on the order of the township board, the overseers of the poor, the highway commissioners, school inspectors, school district officers, or other lawful authority, as the case may be, and if said treasurer shall not collect the full amount of the taxes aforesaid, he shall retain, first, the amount raised for township purposes, and so on in the order said taxes are named in this section ; and at the time

Statement under oath of moneys rec'd, when. County treasurer to file statement.

of paying over the moneys collected, to the county treasurer, required in the seventeenth section of this act, he shall make out a statement under oath, of all moneys received by him as collector, before the first day of February, which statement the county treasurer shall file in his office.

Compensation of tp treasurer.

SEC. 42. The township treasurer shall receive as compensation for his services, such per centage as the township board allow, not ex-

How collect'd

ceeding four per cent on the amount collected, which per centage he shall collect of each individual, over and above the amount specified in the warrant, which shall be in full for his collection fees, and in case the township treasurer shall neglect or refuse to file the bond with the county treasurer, within the time prescribed by law, as required by the twenty-sixth section of this act, and the township board shall fail to appoint a treasurer who shall give such bond within ten days after his appointment, the supervisor shall deliver the tax roll and warrant as aforesaid, to the sheriff of the county, who shall exe-

Neglect to file bond.

Roll and warrant to be delivered to sheriff in certain cases. Compensation for making return.

cute to the county treasurer, a like bond as is required of the township treasurers, and make like collections and returns, and shall be entitled to add and collect five per cent on all taxes so handed over to him for collection ; and for the purpose of collecting such taxes and per centage, shall be vested with all the powers of the township treasurer. He shall be allowed, also, one dollar and fifty cents for making the return, but no mileage.

On payment of tax town treasurer to give receipt.

SEC. 43. The township treasurer shall, on the receipt of any tax, give a receipt for the same, and he shall note the same on his tax list, and if any such treasurer shall return any taxes as unpaid, to the county treasurer which have been paid, except when there is a

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double assessment, he shall be deemed guilty of a misdemeanor, and on conviction thereof, before any court having competent jurisdiction he shall be fined or imprisoned at the discretion of the court.

SEC. 44. If any township treasurer shall neglect or refuse to pay Township treasurer neglect or refuse to pay over. to the county treasurer the sums required by his warrant to be paid to him, or to account for the same as unpaid, as required by law, the county treasurer shall, within ten days after the time such payments ought to have been made, issue a warrant under his hand, directed to the sheriff of the county, commanding him to levy such sum as shall remain unpaid and unaccounted for by such treasurer, together with the per centage allowed to the treasurer, for collecting of the goods Sheriff to levy. and chattles, lands and tenements of such treasurer, or his sureties, To make return. and to pay the same to the county treasurer, and return such warrant within forty days after the date thereof; which warrant the county treasurer shall immediately deliver to the sheriff of the county, who shall immediately cause the same to be executed, and shall make return thereof to the county treasurer within the time specified, and shall pay to him the money levied by virtue thereof, deduct- Compensation. ing for his services, the same per centage that the township treasurer was entitled to.

SEC. 45. If any sheriff shall neglect to return any such warrant, If sheriff refuse or neglect to pay, co. trea, to collect by attachment. or to pay the money collected thereon, within the time limited for the return of such warrant, or shall make false returns, the county treasurer shall proceed forthwith to collect of the sheriff, by attachment, the whole sum directed to be levied by such warrant.

SEC. 46. In case the county treasurer shall fail to collect such money by attachment, he shall certify to the board of supervisors of the county, that he has issued such warrant, stating its contents and the return made thereon; and the said board of supervisors shall forth- County treasurer failing to collect shall certify to supervisors, &c. with prosecute such sheriff and his sureties for the sum due on such Supervisors to prosecute shff. warrant, which money, when collected, shall be paid to the county treasurer.

SEC. 47. Whenever any county treasurer shall receive from a township treasurer a certified statement of unpaid taxes on the lands

County treasurer to enter return on books. of residents or non-residents, such county treasurer shall enter the same in full on the books provided for that purpose, in his office, and he shall make a correct transcript thereof, which shall be compared

To make transcript to be compared by county clerk. by the county clerk, with the said certified statement of the township treasurer, and if he finds it to be a true transcript thereof, he shall add to it a certificate, that he has examined and compared the same

Certificate. with the certified statement of the township treasurer, and found it correct; which transcript, so certified, he shall forward to the auditor general; said transcript shall be made out, compared, and certified, and forwarded to the auditor general prior to the first day of

Transcript to be forwarded to aud. gen. March, in each year, but shall be receivable at any time during said month.

When.

Proceedings on unpaid taxes on resident lands. SEC. 48. If the taxes on any real estate, assessed to a resident, shall be returned unpaid, in consequence of such premises becoming vacant by the removal of the occupant, before the collection of the tax imposed thereon, or in default of goods and chattles of the occupant to satisfy such tax, the same proceedings shall be had thereon, in all respects, as if such tax had been laid on the lands of non-residents.

5 per cent to be added to taxes returned to county treasurer. SEC. 49. On all taxes returned to the county treasurer by the township treasurer, as aforesaid, there shall be added by the county treasurer five per cent, which shall be collected with the original tax, and go into the county treasury.

Persons may pay taxes ret. as aforesaid to county treasurer. SEC. 50. Any person may pay the taxes on lands returned as aforesaid, by paying the amount of the tax and the five per cent specified in the preceding section, with interest calculated thereon, from the first day of February, at the rate of fifteen per cent per annum, and the office charges hereinafter specified, to the several county treasurers in which the lands are situated, at any time before they are sold for taxes, or to the state treasurer, on the certificate of the auditor general, until the first day of September following the return.

Pay tax to state treasurer in certain cases.

SEC. 51. The county treasurer and auditor general shall add for office charges upon each certificate containing not more than one

description, the sum of twenty-five cents, and for each additional description in the same, the sum of six cents; and the amount received by the county treasurers for charges, shall go into the several county treasuries, of which they shall keep an accurate account, and that received at the state treasurer's office into the state treasury, to the credit of the general fund. And the tax shall be received on any interest in any parcel of land, the same as if paid to the township treasurer, under the thirty-sixth section.

Auditor general and county treasurer may add certain charges, &c

Charges how kept.

SEC. 52. The county treasurers shall issue duplicate receipts for all taxes received by them, which shall not operate as a discharge of the taxes until countersigned by the county clerk, and one of said duplicates left with said clerk, shall be filed in his office: *Provided*, however, That no additional charges shall be made for issuing duplicate receipts.

County treasurer issue duplicate receipt.

SEC. 53. The duplicates of the receipts given by the several county treasurers, and filed with the county clerks as above provided, shall be forwarded once a month to the office of the auditor general in such manner as he shall direct.

Duplicate to be forwarded to auditor general.

SEC. 54. The county treasurers of the several counties, who shall have collected from residents or non-residents, or shall have received by payment from the state treasury sufficient to make up the amount of taxes assessed for township and county purposes, shall make returns, once in three months at least, to the state treasurer, at such times, and in such manner as he shall direct, of the several amounts received by them respectively, for delinquent taxes; and until the several counties, which shall have remaining unpaid, more delinquent taxes than the amount of state tax for the year in which the same were assessed, shall have received the amount raised for township and county purposes, they shall be entitled to receive from the state treasurer at the close of each month, in specie, or its equivalent, the amount there received for delinquent county or township taxes from their several counties, until they shall have received the amount assessed in their respective counties for other than state tax: *Provided*, any funds receivable by law in payment of state taxes, which have

County treasurer to make quarterly return in certain cases.

Counties entitled to receive amt of county monthly.

been or may be collected by township or county treasurers for state taxes, may be paid into the state treasury on account of such tax.

Sec. 55. Immediately after the returns of the several township collectors to the county treasurers in all cases where the amount collected shall exceed the amount raised for county and township purposes, the county treasurer shall forthwith pay into the state treasury the excess collected as aforesaid, for which amount the said counties shall be credited, on account of the state tax for the proper year.

County treasurer to pay into state treasury excess collected in certain cases.

Sec. 56. All lands returned to the auditor general delinquent as aforesaid, upon which the taxes, interest and charges shall not be paid as hereinbefore provided, by the first day of September succeeding their return, or be charged back to the proper county, shall be subject to sale and redemption as hereinafter provided.

Lands returned to auditor general, subject to sale unpaid tax, &c.

Sec. 57. The auditor general, as soon as may be after the examination and entries of all the taxes returned as aforesaid to his office shall have been completed, shall make out a list or statement of all such lands as the taxes shall still be due upon, specifying the amount of taxes, interest and all expenses and charges thereupon, whether for advertising or otherwise, calculated upon each description, by dividing such charges by the whole number of descriptions, and shall cause as many copies thereof to be printed, as shall be sufficient to furnish each county treasurer with three, each county clerk with one for the use of the board of supervisors, and two for each township clerk's office in the state, and shall transmit to each county treasurer such copies by the first day of July in each year, and such county treasurers shall immediately distribute among the township clerk's offices the copies aforesaid.

Auditor general to make out statement of lands on which taxes are returned unpaid, with specifications, &c.

Sec. 58. The auditor general shall cause to be published in at least one newspaper in each county in this state, where there is one, by the first day of June in each year, a notice that the lists and statements specified in the last section, will be deposited by the first of July following in each county treasurer's and township clerk's office in the state, and that all the lands therein described, upon which the taxes are not paid by the first Monday in October thereafter, will

Auditor general to publish notice in certain newspapers that tax lists will be deposited with county treasurers, when.

then be sold for the payment of the taxes, interest and charges thereon, and no other or further notice of tax sales in this state shall be necessary after the sales of next October.

Sec. 59. No printer shall be paid for printing any copy of the aforesaid notices, who does not forward to the auditor general, within twenty days of the last publication thereof, an affidavit of such publication, made by some person to whom the facts shall be known.

Printer to make affidavit.

Sec. 60. As soon after the first Monday of September as shall be practicable, the auditor general shall prepare and transmit to the several county treasurers, lists of all lands on which the taxes, interest and charges shall have been paid, which lands shall be struck from the list in the office of the several county treasurers, and by them withheld from sale; and the county treasurers shall also strike from the said lists all lands on which the taxes, interest and charges shall be paid to them at any time before the sale, and not stricken out by order of the auditor general.

Auditor gen'l to transmit list of lands on which tax has been paid to county treasurer.

Sec. 61. On the day designated in the notice of sale, the several county treasurers under the direction of the auditor general, shall commence the sale of those lands on which the tax shall not have been paid, as aforesaid, and shall continue the same from day to day (the first day of the week excepted) until so much of each parcel, so charged with taxes, shall be sold, as shall be sufficient to pay the taxes, interest and charges. The lands so to be sold, to be taken in a square form as near as may be, from, or as near as practicable to, the north-east corner of the parcel taxed, unless such parcel be a fraction, in which case, the lands sold may be taken from any corner of the same, if there be one, and if not, from such portion of the same as the treasurer shall deem proper.

On day of sale county treasurer to sell under direction of aud. gener'l Continue from day to day.

The manner of sale.

Sec. 62. The county treasurers, at their discretion, may require immediate payment of any person to whom any parcel of land is struck off, and in all cases where payment is not made in twenty-four hours, he may declare the bid cancelled, and at his discretion, sell the lands again; and any person so neglecting or refusing to

Payment of bids, when to be made, &c.

pay any bid, shall not be entitled after such neglect to have his bid received by the treasurer.

**Funds receivable at sale.**      **Sec. 63.** The several county treasurers shall receive only such funds as shall at the time be receivable by law at the state treasury, on account of the general and delinquent tax funds, and so much as may be necessary to pay for printing and sale charges, shall be paid in specie or its equivalent. The state treasurer shall notify the county treasurers what amount must be paid in specie; and the remittance of all moneys received at tax sales shall be made as directed by the state treasurer, and the expense of advertising and sale shall be paid therefrom on the auditor general's warrant, and the remainder as received shall be placed to the credit of the delinquent tax fund.

**Charges to be paid in specie.**

**State treasurer to notify county treasurer.**

**How to remit money. Expenses how paid.**

**County treasurer to give purchasers a certificate.**      **Sec. 64.** At the sales aforesaid, the respective county treasurers shall give the purchasers on the payment of their bids, a certificate in writing describing the lands purchased, and the amount paid therefor, and shall endorse thereon the kind of funds received; and such certificates shall be regularly numbered, and a copy thereof forwarded to the auditor general in such manner as he shall direct.

**Forward certificate to auditor general.**

**Auditor general to give deed.**      **Sec. 65.** On the presentation of such certificate of sale to the auditor general, after the expiration of the time hereinafter provided for the redemption of lands sold as aforesaid, he shall execute to the purchaser, his heirs or assigns, a deed of the land therein described, unless the auditor general shall have discovered that the same was improperly sold; which deed shall be prima facie evidence of the regularity of all the proceedings to the date of the deed; but such lands shall be subject to all unpaid taxes properly chargeable thereon.

**Deed prima facie evidence of regularity.**

**Persons claiming lands sold may redeem within 2 years.**      **Sec. 66.** Any person claiming any of the lands sold, as aforesaid, or any interest therein, may, at any time within two years succeeding the sale, redeem any parcel of said lands, or any part or interest in the same, by paying into the state treasury the amount for which such parcel was sold, with interest thereon at the rate of twenty-five per cent per annum; of which interest, twenty per cent shall belong to, and be paid by the state to the purchaser, and five per cent shall

**Interest, to whom paid.**



belong to the state, to meet incidental expenses, and be passed to the credit of the general fund; or, any person claiming any lands or interest sold as aforesaid, upon proving his title thereto, at the time of sale, to the satisfaction of the auditor general, shall, within the two years aforesaid, from the time of sale, be entitled to receive from the state treasury, upon the warrant of the auditor general, the surplus, if any, over the amount of tax, interest, and charges for which any piece or parcel may have been sold.

SEC. 67. If any parcel or parcels of land cannot be sold to any person for the taxes, interest and charges, such parcel or parcels shall for the time being, be passed over, and shall on the succeeding day or before the close of the sale of said lands, be re-offered for sale, and if, on such second offer, or during such sales, the said parcel or parcels of land cannot be sold for the taxes, interest and charges, as aforesaid, the county treasurer shall bid off the same for the state, and the same length of time of redemption shall be given as in case of other sales, and if it shall become necessary in the prosecution of an action of ejectment by any person having an adverse claim, the officer having charge of the land in behalf of the state, may be made defendant.

SEC. 68. All lands so bid off for the state, shall continue to be liable to be taxed, the same as if not the property of the state, and such taxes shall be and remain a charge upon said land, and if not paid by the state, the same shall be collected the same as other lands.

SEC. 69. If the Auditor General shall discover before the sale or conveyance of any of the lands aforesaid, that, on account of irregular assessments, or for any other cause, any of said lands ought not to be sold or conveyed, he shall forbear to sell, or withhold a conveyance after sale, as the case may be; and in such case, if sale has been made, he shall, on demand, cause the money so paid to be forthwith refunded.

SEC. 70. If such errors originated with the county or township officers, the amount so refunded shall be charged against the county

Persons may receive surplus —when.

Lands not sold may be pass'd over, afterwards re-offered for sale.

If not then sold county treasurer to bid off for the state.

Lands bid off to state still liable to be taxed.

Aud. gen. may withhold from sale, or withhold deed, &c.

Am't refunded to be charged to county in certain cases.

from which the tax was returned, and the supervisors of such county shall cause the same to be refunded to the state treasury.

Invalidity discovered by aud. gen. after conveyance.

SEC. 71. If the invalidity of the sale is not discovered until after the Auditor General shall have conveyed the land, he shall on demand refund the money paid, with seven per cent interest; and in all such cases when the Auditor General deeming a title invalid, shall have offered the purchaser his money and interest on delivery and cancelment of the deed, and the purchaser shall have refused to accept the money and cancel the deed, the purchaser shall be forever debarred from any more than the purchase money and seven per cent interest thereon, to the day of such offer and refusal; and such money when paid by the state treasurer, shall be refunded to the state by the proper county as specified by the last preceding section; and in any ejectment brought by the original owner to recover such lands, the purchaser only, and not the state, shall be liable to costs.

Persons holding lien on land may pay tax. Tax paid an additional lien

SEC. 72. Any person who has a lien upon any lands returned for taxes to the county treasurer, may pay the taxes, interest and charges thereon, and the county or state treasurer's receipt therefor duly countersigned shall be an additional lien on such land to the amount of such receipt, and shall be collectable with interest in the same manner as the original lien.

Auditor general to state accounts of co. treasurer annually, &c.

SEC. 73. The auditor general shall state the accounts of the several county treasurers on the first day of July in each year, allowing to the several counties ten per cent interest on such portion of the taxes unpaid on the first day of February of each year, as shall belong to them for township and county purposes, and transmit a copy thereof by mail or otherwise to the county clerk, whose duty it shall be to lay the same before the board of supervisors at their first meeting after the receipt of the same.

County treasurer to make statement of unpaid taxes for 1841.

SEC. 74. It shall be the duty of the treasurers of the several counties, from which the lands delinquent for taxes of eighteen hundred and forty-one, were not returned to the office of the auditor general to make out a correct statement of the taxes remaining unpaid, on lands in their respective counties for said year, and also of the several

county treasurers of this state, to make out statements of unpaid taxes Also for 1842, in their respective counties for the year eighteen hundred and forty-two, as soon as practicable after the passage of this act, which statement shall be compared by the respective county clerks, with the returns of the township treasurers or collectors, and the books of the several county treasurers; and the several county clerks shall certify the fact of such comparison, and forward the same to the auditor general as near as may be, as provided in the forty-seventh section of this act. Duties of Cl'k.

Sec. 75. In the said statements shall be embraced a list of all interest and charges that may have accrued, or are accruing on the several pieces or parcels of land therein described, which may be collected with and paid thereafter, together with the original tax, either at the office of the respective county treasurers, or at the office of the state treasurer, with office charges, as hereinbefore provided in respect to taxes of subsequent years. Contents of statement. Taxes of 1841 and '42 to whom paid.

Sec. 76. Lands that have been or shall be returned as above provided, for taxes of eighteen hundred and forty one, and eighteen hundred and forty-two, and those now in the office of the auditor general for taxes of eighteen hundred and forty-one, on which the taxes, interest and charges shall remain unpaid, or not be charged back to the proper county, by the first day of June, eighteen hundred and forty-four, shall be advertized, and if not paid by the first Monday of October succeeding, shall be sold at the same time and in the same manner as is herein provided for taxes of eighteen hundred and forty-three, and in all respects with like effect, and shall be subject to redemption and payment of surplus, in like manner as other lands liable to be sold on the first Monday of October, eighteen hundred and forty-four, by the provisions of this act; and the same interest after sale shall be charged. Lands for unpaid taxes of 1841, '42 to be advertized. When sold. Subject to redemption.

Sec. 77. On the delinquent taxes of eighteen hundred and forty-one, and eighteen hundred and forty-two, which are required to be returned to the auditor general's office by the preceding sections, there shall be charged an interest at the rate of fifteen per cent per Interest and expenses returned to aud. general.

annum, from the first Monday of February after their assessment in each year, until the day of sale, in addition to the expense of judgment notices of such lands, an accurate account of which, under oath, shall accompany the returns of said taxes required to be made by this act.

Balance due  
counties how  
paid.

SEC. 78. All balances due to the counties out of the taxes of eighteen hundred and forty-one, and eighteen hundred and forty-two, shall be paid in the same funds, and in the same manner as is required for the taxes of eighteen hundred and forty-three, by this act, and said taxes shall be payable at the same places and in the same manner as those to be hereafter assessed.

Notices of  
judgment un-  
necessary.

SEC. 79. All notices of application to the county for the rendition of judgments, and all other notices in relation to the taxes of eighteen hundred and forty-one, and eighteen hundred and forty-two, except such as are required in other cases by this act, shall be considered wholly unnecessary, and shall be discontinued, and no judgments shall be entered or be deemed necessary on any such delinquent taxes.

City of Detroit

SEC. 80. The assessors of the several wards of the city of Detroit shall be considered as supervisors, and shall have all the powers thereof in all things relating to county and state taxes in said city, as the several township treasurers have by this act.

Treasurer to  
make state-  
ment of errors  
to supervisors.

SEC. 81. Whenever the county treasurer shall become satisfied that any tax has been paid to the township treasurer, or that the land was assessed and taxed twice, or so erroneously or defectively described that it could not be sold, he shall deliver to the board of supervisors an accurate statement thereof, and the said board shall cause such taxes to be re-assessed upon the same land in the next year's tax, or raise the amount upon the proper township, or otherwise correct such errors, as they consider just.

Auditor to  
publish copies  
of this act,  
&c.

SEC. 82. The auditor general shall cause to be published in pamphlet form, so many copies of this act, with such forms of proceeding under the same, as may be necessary and proper, as shall be sufficient to furnish six copies to each organized township in the

state, and three copies to each county treasurer, and transmit them immediately to the county treasurers for distribution. He shall also from time to time, furnish suitable blanks, in addition to those provided for in the fifteenth section of this act, for returns of taxes, with receipts and certificates of sale, which shall be sent to the several county treasurers.

SEC. 83. All acts and parts of acts inconsistent or concurrent with the provisions of this act, are hereby repealed, but this repeal shall not affect any suit or proceeding had or commenced in civil or criminal cases, nor shall it affect any act done, or right accrued or accruing before this act shall take effect. Repealing clause.

SEC. 84. This act shall take effect in ten days after its passage.

Approved, March 8, 1843.

[NOTE.—The following forms have been adopted by the Auditor General as applicable to the provisions of the foregoing law.]

*(Form of Township Treasurer's Bond to County Treasurer.)*

Know all men by these presents, That we                      as principal, and                      sureties, are held and firmly bound unto                      the County Treasurer of the county of                      State of Michigan, and his successor or successors in office forever, in the penal sum of                      dollars, for the payment of which sum well and truly to be made in lawful money of the United States, we jointly and severally bind ourselves, our heirs, executors and administrators, forever, firmly by these presents. Sealed with our seals and dated this day of                      A. D. 184                      .

The condition of the above obligation is such, That if the above named                      shall duly and faithfully perform the duties of his office as Township Treasurer of the township of                      in the county aforesaid, as required by the provisions of law which regulate

the "collection and return of taxes," reference being had to the warrant of the supervisor of said township attached or to be attached to the assessment roll for the year 184 , then the said obligation to be void, otherwise to remain in full force.

*Sealed and delivered  
in presence of* }

[ L. S.  
L. S.  
L. S. ]

[*Form of Supervisor's Warrant to Township Treasurer.*]

STATE OF MICHIGAN, }  
County of }

*To the Treasurer of the Township of*                      *in the county aforesaid:*

You are hereby commanded to collect from the several persons named in the assessment roll hereto annexed, the several sums mentioned in the last column of such roll opposite to their respective names, together with                      per cent on the amount so collected for your fees, and to account for and pay over the same, excepting your fees aforesaid, as follows, to wit: To the township treasurer the sum of                      dollars for township purposes, and the further sum of                      dollars for school taxes, and the further sum of                      dollars for the support of the poor, and the further sum of                      dollars for highway taxes, and the remainder being                      dollars to the county treasurer of said county for county and state taxes, according to law, on or before the first day of February next, and in case any person named in the assessment roll shall refuse or neglect to pay his, her or their tax, you are hereby authorised and commanded to levy the same by distress and sale of the goods and chattels of such person or persons, in the manner provided by law. Given under my hand this                      day of                      184 .

{ *Supervisor of the  
township of*

[*Oath of Township Treasurer.*]

STATE OF MICHIGAN, }  
County of                } ss.

Treasurer of the township of  
in said county of                being duly sworn, says that the sums men- Township  
tioned in the foregoing or annexed statement remain unpaid, and treasurer's  
that this deponent has not, upon diligent inquiry, been able to discov- oath.  
er any goods or chattels belonging to or in the possession of the  
persons charged with or liable to pay said sums, whereon he could  
levy the same, upon the premises so assessed or otherwise.

Sworn before me, this }  
                          day of        }

(*Form of County Treasurer's Certificate.*)

COUNTY TREASURER'S OFFICE, }  
184 . . }

I hereby certify that I have examined the foregoing statement  
made by                Treasurer of the township of                and that I  
have compared the same with the assessment roll in the hands of the County treas-  
said township treasurer, and have found the same to be correct, and urer's certi-  
a true transcript of so much thereof as is by him returned unpaid. cate.

*Treasurer of                County.*

## [No. 50.]

## AN ACT relative to Common or Primary Schools.

When school district is formed, clerk to make out and deliver notice.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That whenever a school district shall be formed in any township by the board of school inspectors, it shall be the duty of the clerk of said board to deliver a notice in writing signed by him, setting forth the formation of such district, describing its boundaries, and naming the time and place of the first meeting, to a taxable inhabitant of such district, and said notice with the fact of its delivery shall be entered upon record by such clerk.

Notice shall command inhabitant to notify every qualified voter.

SEC. 2. The said notice shall also command such inhabitant to notify every qualified voter of such district, either personally or by leaving written notice at his place of residence, of the time and place of said meeting, and it shall be the duty of such inhabitant to notify the qualified voters of said district accordingly.

Inhabitant to make return, and deliver same to ch'n.

SEC. 3. The said inhabitant, when he shall have notified the qualified voters in accordance with the provisions of the preceding section, shall attach to the notice delivered him by the clerk of the board of school inspectors a return in writing, showing such notification with the date or dates thereof, and deliver such notice and return to the chairman of the meeting called in pursuance of such notice.

Duty of ch'n on receiving notice.

SEC. 4. The said chairman shall deliver such notice and return to the director of the district chosen at the meeting, and it shall be the duty of said director to enter the same in full in a book, as a part of the records of the district.

Officers to be chosen.

SEC. 5. The qualified voters, when assembled pursuant to such previous notice, and also at each annual meeting, shall choose a moderator, director and assessor, who shall within ten days from the time of such meeting and before they enter upon the duties of their respective offices, be sworn to the faithful discharge of such duties.

When school district organized.

SEC. 6. Every school district shall be deemed organized when any two of the officers elected at the first meeting shall have qualified in accordance with the provisions of the last preceding section.



## LAWS OF MICHIGAN..

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SEC. 7. In case the inhabitants of the district shall fail to organize, after notice given by the clerk, as provided in the first section of this act, such notice shall be renewed in the manner prescribed in the first two sections of this act.

When notice to be renewed.

SEC. 8. Every school district legally organized under this act or any previous law of the state or territory of Michigan, shall be a body corporate, by the name and style of "school district number — of the township of — in the county of — and state of Michigan," and in that name capable of suing and being sued, and of holding such real and personal estate as is authorized to be purchased by the provisions of this act, and of selling the same.

Every school district a body corporate.

### PROOF OF ORGANIZATION.

SEC. 9. The record made as directed in the fourth section of this act shall be prima facie evidence of the facts therein set forth, and of the legality of all proceedings in the organization of the district, prior to the first district meeting, but nothing in this section shall be construed to impair the effect of the record kept by the school inspectors as evidence.

Record evidence in certain cases.

SEC. 10. The oath required in the fifth section of this act, shall be in writing, subscribed by the officer taking the same, shall be filed with the director, and in case of the first district officers elected, shall be recorded by the director, and this with the record of the notice and return as specified in the fourth section of this act, shall be prima facie evidence of the legal organization of this district.

Oath to be in writing.

SEC. 11. Every school district shall in all cases be presumed to have been legally organized when it shall have exercised the franchises and privileges of a district for two years immediately preceding the time at which the legality of its organization shall be called in question.

Two years exercise of privileges proof of legal organization.

### DISTRICT MEETINGS.

SEC. 12. The annual meeting of each school district shall be on the first Monday of October, and the school year shall commence on that day.

Annual meeting on first Monday in Oct.

Special meetings may be called.

**SEC. 13.** Special meetings may be called by the district board or by any one of them on the written request of three legal voters of the district, by giving the notice required in the fourteenth section of this act, and in all such cases the object of the meeting shall be fully stated in said notice.

Notice of district meetings, by whom given and what to contain.

**SEC. 14.** All notices for district meetings, except such as are provided for in the first two sections of this act, whether annual or special, shall set forth the day and hour and place of meeting, and shall be given at least six days previous to such meeting, by being posted up in three of the most public places in the district: *Provided*, that in case of special meetings called to establish or change the site of a school house, the notice shall be given at least ten days previous to the meeting.

Votes.

**SEC. 15.** Every white male inhabitant of the age of twenty-one years, residing in the district, liable to pay a school district tax, shall be entitled to vote at any district meeting.

Oath or affirmation.

**SEC. 16.** If any person offering to vote at a school district meeting, shall be challenged as unqualified, by any legal voter in such district, the chairman presiding at such meeting shall administer to such person an oath or affirmation, in substance as follows: "I do swear [or affirm, as the case may be,] that I am twenty-one years of age, that I am an actual resident of this school district, liable to pay a school district tax therein;" and every person taking such oath or making such affirmation, shall be permitted to vote on all questions proposed at such meeting; but if any person shall refuse to take such oath or affirmation, his vote shall be rejected, and any person wilfully taking a false oath, or making a false affirmation under the provisions of this section, shall be deemed guilty of perjury. When a question is taken by yeas and nays or in any other manner except by ballot, a challenge immediately after the vote is taken, shall be deemed made when offering to vote and treated in the same manner.

Powers of qualified voters.

**SEC. 17.** Whenever lawfully assembled, the qualified voters present, of each district, shall have power:

*First.* To adjourn from time to time as may be necessary.

To adjourn.

*Second.* To designate a site for a school house by a majority vote and change the same by a vote of two-thirds, at any regular meeting: *Provided*, That when no site can be established by said inhabitants, the inspectors of the township or townships, shall determine where the site shall be, and said determination shall be final.

To designate site.

*Third.* To purchase or lease an appropriate site, and to build, hire or purchase a school house, and to impose such tax as shall be sufficient for the payment thereof: *Provided*, that the amount of said tax shall not exceed in any one year the sum of two hundred dollars, unless the inspectors of the township in which the school house is to be situated, shall certify in writing, their opinion, and file the same for record, with the director of the district, that a larger sum ought to be raised, and shall specify what sum; in which case a sum not exceeding the sum specified by the inspectors shall be raised: *Provided*, there shall not be more than three hundred dollars raised in any school district in one year: and *provided* further, that no tax shall be raised in any school district for the purpose of building a school house, unless there are at least nine scholars that reside in said district, between the ages of four and eighteen years.

To purchase or lease lot.

*Fourth.* To impose from time to time, such tax as may be required to keep the school house in repair, and provide the necessary appendages.

To impose tax.

*Fifth.* To determine the length of time, which shall not be less than three months, a school shall be kept the ensuing year, and whether by male or female teachers, or both, also how the moneys for the support of the school, whether received from the school interest fund or otherwise, shall be applied, whether to the winter or summer term, or a certain portion to each; and in case any of the matters in this clause enumerated, shall not be determined at the annual meeting, the district board shall have power and it shall be their duty to determine the same.

To determine length of school.

*Sixth.* To order and direct the sale of any site that may belong to the district, whenever the school house shall have been removed,

To order sale of site.

or the sale of such other property and buildings as may belong to the district.

### DISTRICT OFFICERS—THEIR POWERS AND DUTIES.

Officers of  
school district.

SEC. 18. The officers of a school district shall be a moderator, director and assessor, who, whether elected at the annual meeting or appointed as hereinafter provided, shall qualify as required in the fifth and tenth sections of this act, and shall hold their respective offices until the annual meeting next following their election or appointment, and until their successors are chosen and qualified; but not beyond ten days after the time of a second annual meeting, without being again elected or appointed.

### MODERATOR.

Duties of moderator.

SEC. 19. The moderator shall have power and it shall be his duty to preside at all meetings of the district, to sign all warrants for the collection of rate bills and all orders upon the assessor, for the payment of moneys to be disbursed by the district, and countersign all warrants of the director upon the treasurer of the township, or for moneys raised for district purposes, or for the money apportioned to the district by the township clerk: *Provided*, That if the moderator shall be absent from any district meeting, the qualified voters present may elect a suitable person to preside at the meeting.

### ASSESSOR.

Duties of assessors.

SEC. 20. The assessor shall have power and it shall be his duty to pay over all the moneys in his hands belonging to the district, on the moderator's order, drawn with the consent of the district board and collect all rate bills of the district, made and delivered to him in accordance with the provisions of the seventh subdivision of the twenty-first section of this act, in obedience to the command of the warrants annexed to such rate bills, and in case any person shall neglect or refuse to pay the amount on said rate bill for which he is liable, to collect the same by distress and sale of the goods and chattels of such person, wheresoever found within the county, or counties in which the district is situated, having first published such sale at least ten

days, by posting up notices thereof in two public places in the county, and an additional notice at the place of sale : *Provided*, That the provisions of an act to exempt certain property from execution or sale for any debt, damages, fine, or amercement, approved February sixteenth, eighteen hundred and forty-two, or any act amendatory thereto, shall not be construed to exempt all or any of the articles mentioned in such acts from liability to distress and sale on the warrant aforesaid, except wearing apparel, and the family and school library : *And provided also*, That such warrant shall in no case be renewed, or extended by the moderator and director, beyond ninety days from the first delivery thereof.

Duties of assessor.

*Second.* At the expiration of said warrant to make a written return of the same to the director, with the rate bills attached, to be filed in his office, stating in said return the amount collected on said rate bill, the amount uncollected, and the names of the persons from whom collections have not been made.

To make a return, &c.

*Third.* It shall be the duty of the assessor to appear for and in behalf of the district, in all suits brought by or against said district, except in cases where he is a party to the suit, or directly interested adversely to the district, and in all such cases, the director shall appear for the district.

To appear in behalf of school district in all suits.

*Fourth.* To make out and deliver to the supervisor of the township and the director of the school district, a certificate of the amount and date of any judgment rendered against the district and other facts, as required in the sixty-eighth section of this act.

To deliver to supervisor and director a certificate of amt of judgment.

## DIRECTOR.

SEC. 21. The director shall be the clerk of the district board and secretary of district meetings; but if he shall not be present at any such meeting, the qualified voters present may appoint a secretary who shall certify the proceedings of the meeting to the director.

Duties of directors.

Said director shall have power, and it shall be his duty :

*First.* To record all the proceedings of the district in a book to be kept for that purpose, and preserve copies of all reports made to the school inspectors, and record the certificate of the inspectors spe-

To keep a record of proceedings.

cified in the first proviso to the third subdivision of the seventeenth section of this act.

To hire teachers.

*Second.* By and with the advice and consent of the moderator or assessor, he shall contract with and hire qualified teachers for the district. The contract shall be in writing, and shall have the consent of the moderator and assessor, or either of them endorsed thereon, and shall specify the wages per week or month, as agreed by the parties, and a duplicate shall be kept on file in his office.

To call a meeting of the inhabitants.

*Third.* To call a meeting of the inhabitants of the district having scholars and liable to charges for tuition and fuel, at the request of any two of such inhabitants, to make such provision as they may deem proper to raise the school money, necessary for the term, in addition to the apportionment of the school moneys to the district, and any amount received from other sources appropriated to such purposes for that portion of the year, the amount so received shall be assessed upon and paid by the parents or guardians of the scholars not exempted from charges for tuition and fuel, in proportion to the number of such scholars, and the length of time for which such parents or guardians shall have severally signed or sent to school: *Provided*, That it shall be at the option of any person liable for fuel, to furnish his portion for the use of the school as required by the director, or have the amount assessed against him on the district rate bill, and the director shall ascertain as near as practicable, the proportion of each person so liable, and give such person at least five days notice of the time or times to deliver the same at the district school house, and if such proportion shall not be delivered as required, the director shall not be bound to receive it thereafter, but the amount may be assessed on the rate bill as aforesaid.

To take census.

*Fourth.* Within ten days previous to the annual meeting, the director shall take the census of the district, by registering the names of all belonging to it between the ages of four and eighteen years.

*Fifth.* A copy of this list he shall furnish to each and every teacher employed within the district, and require every such teacher carefully to note the daily attendance of each and every scholar, and

to make a return of the same to the director, stating in said return the ages of all scholars not on said list, and said teacher shall also certify, according to his best knowledge and belief, the name of the person liable for the tuition of each scholar.

To furnish teacher with a copy of list.

*Sixth.* To ascertain, by examination of the school lists kept by teachers, and the certificates made out according to the provisions of the last preceding subdivision of this section, the number of days for which each person not exempted, shall be liable to pay for instruction, and the amount payable by each person.

To ascertain the number of days for which each person is liable to pay for instruction.

*Seventh.* To make out, within ten days after receiving the list and certificate from the teacher, a rate bill, containing the name of each person so liable, and the amount due from him for tuition and fuel, or either, adding there to five cents on each dollar of the sum due from him, for assessor's fees, and to annex thereto a warrant for the collection thereof, to be signed by him and the moderator, commanding such assessor, within sixty days, to collect of the persons named in said rate bill, the amounts set opposite their names respectively, and if any person shall neglect or refuse, on demand, to pay the amount on said rate bill for which he is liable, to collect the same by distress and sale of the goods and chattles of such person, wheresoever found within the county, having first published such sale at least ten days, by posting up notices thereof in two public places in the county, and an additional notice at the place of sale: *Provided*, that if the director shall not have furnished the list contemplated in the fifth subdivision of this section, the teacher shall keep a list of all the pupils attending school, and of the number of days each of such pupils shall attend such school, which shall be the list delivered by him to the director.

To make out a bill containing the name of each person liable, and annex warrant for collection thereof. His duties under the warrant.

*Eighth.* It shall be the duty of the director to provide the necessary appendages for the school house, and keep the same in good condition and repair during the time of school, and an accurate account of all expenses incurred.

To provide necessary appendages.

*Ninth.* He shall present said account for allowance to the qualified voters of the district, assembled at any regular meeting; but no

To present said ac't to the voters, &c.

such account shall be allowed at any special meeting, unless the notices calling said meeting, shall have specified the intention to present the same, and when said account shall have been so allowed, it shall be assessed and collected in the same manner as other district taxes.

**To give notice**     *Tenth.* It shall be his duty to give the prescribed notice to the annual district meeting and all such special meetings as may be called for, in accordance with the provisions of this act, posting up one of the notices for each meeting on the outer door of the district school house.

**To draw books from tp. library.**     *Eleventh.* To draw from the township library the proportion of books to which his district may be entitled, and to return the same to the township library at the expiration of three months, and he shall continue to draw books in like manner at the expiration of every three months, and return the same accordingly.

**To distribute books.**     *Twelfth.* To distribute the books drawn out by him to the children of the district, of the proper age for the time and under the restrictions contained in the rules prescribed by the township board of school inspectors.

**To sign warrants.**     *Thirteenth.* To sign all warrants as specified in the nineteenth section of this act.

**To deliver report to tp. clerk.**     *Fourteenth.* At the end of the school year, the director shall deliver to the township clerk, to be filed in his office, a report to the township board of school inspectors, showing :

**What said report must contain.**     *First.* The whole number of children between the ages of four and eighteen, according to the census taken as required in the fourth subdivision of this section.

*Second.* The number attending school under four and over eighteen.

*Third.* The whole number that have attended school during the year.

*Fourth.* Length of time the school has been kept by a qualified teacher, and the name of each teacher, and the length of time kept by each, and the wages paid to each.



*Fifth.* The average length of time each scholar over four and under eighteen years of age, has attended school during the year.

*Sixth.* The amount of money received from the township treasurer apportioned by the township clerk.

*Seventh.* Amount of money raised in the district.

*Eighth.* Purposes for which it was raised.

*Ninth.* Books used in the district school.

*Tenth.* The number of scholars who have attended private schools during the year within the district, specifying the number between the ages of four and eighteen, and the number residing within and the number out of the district, as near as the same can be ascertained.

*Eleventh.* Such other facts and statistics in regard to schools and the subject of education, as the superintendent of public instruction shall direct.

#### DISTRICT BOARD.

**SEC. 22.** The moderator, director and assessor shall constitute the district board, and they shall have power, and it shall be their District board.  
duty,

*First.* To make out and deliver to the supervisor of the township a report in writing under their hands, on or before the second Duties.—To make report to supervisor.  
Monday of October, in each year, of all taxes voted by the district during the year preceding such second Monday of October, to be raised on the taxable property of the district, and all taxes which said board are authorized to impose on such taxable property.

*Second.* To purchase such school books as may be necessary for the use of the children admitted by the district board to the school Purchase school books.  
free of charge; and include the amount of such purchase, together with any sums on the district rate bills, which could not be collected in their report, to the supervisor, to be assessed on the taxable property of the district.

*Third.* To purchase or lease a site as designated by the district, for the school house, in the corporate name thereof; to build, hire or To purchase or lease site.

purchase such school house, out of the fund collected for that purpose, and to make sale of any site or property of the district, as directed by the inhabitants thereof, at an annual or special meeting.

To apply and  
pay over  
school money.

*Fourth.* To apply and pay over all school moneys belonging to the district, in accordance with the provisions of law regulating the same, and as may be directed by the district: *Provided*, That no school money shall be paid to any teacher who shall not have received a certificate in pursuance of the thirty-second section of this act prior to the commencement of his school.

To require  
bond of as-  
sor.

*Fifth.* To require of the assessor a bond, to be given in the district, in double the amount of money to come into his hands during the year, as near as the same can be ascertained, with two sufficient sureties to be approved by the moderator and director, conditioned for the faithful application of all moneys that may come into his hands by virtue of his office; said bond to be lodged in the hands of the moderator, and in case of the non-fulfilment of the condition thereof, the director shall cause a suit for the payment of said bond, to be commenced in the name of the district, before any court of competent jurisdiction, and the money, when collected, shall be paid into the township treasury, subject to the warrant of the proper district officers, for the use of the district.

To present at  
annual meet-  
ing a report.

*Sixth.* To present at each annual meeting of the district, a report in writing, making an accurate statement of all moneys received by them, or any of them, during the preceding year, and of the disbursement of the same, which report shall contain the items of such receipts and disbursement, the amount of all taxes assessed upon the taxable property of the district, specifying the purposes for which such taxes were assessed, and the amount assessed for any particular purpose, and such report shall be recorded by the director in a distinct book to be provided and kept for that purpose.

To exempt in-  
digent persons  
from payment.

*Seventh.* To exempt from the payment of the wages of teachers, or providing fuel for the use of the school, such indigent persons as in their opinion should be so exempted.

*Eighth.* To certify such exemptions and file the certificate with the director of the district. To certify exemptions.

*Ninth.* To have the care and custody of the school house and property of the district, except in so far as the same are confided to the director; including the books purchased for the use of pupils admitted to the school free of charge. To have care of school house

SEC. 23. The district board shall have power to fill, by appointment, any vacancy that shall occur in their own number, and it shall be the duty of the board to supply such vacancy within ten days after the time of its occurrence. If the assessor from sickness or other sufficient cause, shall be unable to collect any district rate bill, the said board shall appoint an acting assessor to collect the same, who, before proceeding to the collection thereof, shall give bond in double the amount of money to be collected, and in the same manner as the assessor. District board to fill vacancy.

### TOWNSHIP BOARD OF SCHOOL INSPECTORS.

#### THEIR POWERS AND DUTIES.

SEC. 24. At each of the annual township meetings to be held in this State on the first Monday in April next, there shall be elected two inspectors of primary schools, for the term of one and two years respectively, and at each annual township meeting thereafter one inspector who shall hold his office two years. Two inspectors to be elected.

SEC. 25. The township board of school inspectors shall consist of three members, of which the township clerk shall be one by virtue of his office. Board to consist of 3 members. Township clerk a member.

SEC. 26. The chairman of said board shall be the inspector elected pursuant to the provisions of the twenty-fourth section having the shortest time to serve, and the township clerk shall be clerk of the board by virtue of his office. Who to be chairman of board.

SEC. 27. The chairman of the board of school inspectors shall be treasurer of said board, and it shall be the duty of said chairman to give a bond to the township, in double the amount of library money to come into his hands during his term of office, as near as the same can be ascertained, with two sufficient sureties, to be approved by the Chairman to be treasurer & to give bond, &c.

township clerk, conditioned for the faithful appropriation of all moneys that may come into his hands by virtue of his office; said bond to be lodged with the township clerk, who is hereby authorized, in case of nonfulfilment of said bond, to sue for the penalty thereof, before any court of competent jurisdiction, and the money collected shall be paid into the township treasury for the use of the township library.

Township clerk  
to sue for pen-  
alty.

SEC. 28. Said inspectors shall have power, and it shall be their duty,

Power of in-  
spector.

To divide tp.  
into districts.

How district  
to be formed  
and of what to  
consist.

*First.* To divide the township into such a number of districts, and to regulate and alter the boundaries of said school districts, as may from time to time be necessary: *Provided*, no district shall contain more than nine sections, and no lands shall be taxed for building school houses which are situate more than two miles from the school house site, but the school inspectors may attach to a school district, at his request, any person residing in the township, and not in an organized district, and for all district purposes except raising a tax for building a school house, such person shall be considered as residing in said district, and when set off to a new district, no sum shall be raised for such person as his portion of the district property.

To number  
districts.

*Second.* To describe and number the school districts of their township.

To receive  
money.

*Third.* To apply for and receive from the township treasurer all moneys appropriated for the township library, of their township.

To visit each  
school.

*Fourth.* To appoint one of their number, whose duty it shall be to visit each school in the township having a qualified teacher, at least once in each school term in which a school is taught, to enquire into the condition of such school, examine the scholars and give such advice to both teachers and scholars as he shall deem proper.

To make rules

*Fifth.* To make such rules as may be necessary and proper for the regulation of the township library and the preservation of the books contained in it.

*Sixth.* To purchase the books and procure the necessary ap-

pendages for the township library: Provided, that they shall purchase no books of an immoral tendency or of a sectarian character.

To purchase books.

**Seventh.** When a new district shall be formed, in whole or in part, from one or more districts possessed of a school house or entitled to other property, the inspectors, at the time of forming such new district, shall ascertain and determine the amount justly due to such new district, from any district out of which it may have been, in whole or in part, formed, as the proportion of such new district, of the value of the school-house and other property belonging to the former district at the time of such division.

Duties when new district is formed from one or more districts.

**Eighth.** Such proportion shall be ascertained and determined according to the taxable property of the respective parts of such former district, at the time of division, by the best evidence in the power of said inspectors, and such amount of the debt due from the former district, if any, which would have been a charge upon the new, had it remained in the former district, shall be deducted from such proportion.

How proportion to be ascertained.

**Ninth.** Such proportion, when so ascertained and determined, shall be certified by the township clerk to the supervisor of the township, whose duty it shall be to assess the same upon the taxable property of the districts, retaining the school house or other property of the former district, in the same manner as if the same had been authorized by a vote of their district, and when collected, shall be paid over to the assessor of the new district to be applied to the use of said district in the same manner, under the direction of the district by its proper officers, as if such sum had been voted and raised by said district for building a school house and other district purposes, and the money so paid to the assessor of the new district, shall be placed to the credit of the taxable property taken from the former district, in reduction of any tax imposed in the new district on the taxable property therein for school district purposes.

Township cl'k to certify to supervisor; his duty to assess the same; how to be collect'd and paid over. Further proceedings.

**SEC. 29.** Between the eighth and twentieth days of October in each year, they shall make out and deliver to the township clerk, a report to the county clerk, setting forth the whole number of districts

To make out and deliver to tp. treasurer a report.

in their township, the amount of money raised and received for the township library, together with the several particulars set forth in the reports of the school directors, for the preceding school year.

The board to make annual report to county clerk.  
Examine record of teachers.

SEC. 30. The school board before making their annual report to the county clerk, shall examine the record of teachers to whom certificates have been granted by them, or whose certificates have been annulled, and if in any school district a school shall not have been taught for three months by a qualified teacher, no part of the public money shall be distributed to such district, although the report from such district shall set forth that a school has been so taught; and it shall be the duty of the board to certify the facts in relation to any such district in their report to the county clerk.

How districts may be formed from one or more towns.  
Duties of township clerk to make report to each township.

SEC. 31. Whenever it may be necessary or convenient to form a district from two or more adjoining townships, the inspectors or a majority of them from each of said adjoining townships, may form a district direct, which township clerk shall make and deliver the notice of formation to a taxable inhabitant, regulate and alter such district, and the director of the district so formed shall make his annual report to the township designated by the inspectors forming such district, and shall also report to each township in which the district is in part situated, the number of scholars between the ages of four and eighteen, in that part of the district in such township, and books shall be drawn from each township library for the use of such district; but the district shall have access to but one library during a single year, and said inspectors shall establish the order in which books shall be drawn from each township library: *Provided*, that the district board of any such district already organized, shall report to each township as last aforesaid, and may elect to which township its annual report shall be made, and the order in which books shall be drawn from the township libraries, and notify the inspectors of each township in writing accordingly, and no change in these respects shall be made thereafter, without the consent of said school inspectors: and *Provided*, that the full amount of all taxes upon the taxable property of the district, shall be certified by the proper officers to the supervisor of each town-

ship, and said supervisor, after the assessment rolls shall have been equalized by the board of supervisors, shall certify to each other supervisor in any township in which such district is in part situated, the amount of taxable property in that part of the district, in his township, and such supervisor shall ascertain the proportion of such taxes to be placed on his assessment roll, each part of the district to be taxed in proportion to its taxable property.

SEC. 32. It shall be the duty of the inspectors to, examine annually all persons offering themselves as candidates for teaching primary schools in their township, in regard to moral character, learning, and ability to teach school; and if satisfied that such candidates possess the requisite qualifications, they shall deliver to each person so examined, a certificate, signed by them, in such form as shall be prescribed by the superintendent of public instruction, which certificate shall be in force for one year, commencing at the date thereof, and no person, not having such certificate, shall be deemed a qualified teacher within the meaning of this act.

Inspectors to examine annually all persons offering themselves as teachers. Whom to give certificate.

SEC. 33. For the purpose of making the examination required in the preceding section, the board of school inspectors shall meet annually on the first Saturday of May and November, at the office of the township clerk, or at such other place as they shall designate, giving at least ten days notice of the time and place of such meetings, such notice to be in writing and posted up in at least three of the most public places of the township, and the said board shall make no charge against the township for examining teachers at any time other than those above specified.

To meet annually on first Sat. of May & Nov. at office of town clerk, to make examinations. 10 days notice to be given.

SEC. 34. The examination of teachers shall be in public, and no certificate shall be granted by the inspectors unless satisfied that the applicant is of a good moral character, and possesses a thorough and accurate knowledge of the several branches of study usually taught in common schools, and is also competent in other respects to teach and govern a school.

Examination to be in public.

SEC. 35. Whenever the school inspectors shall deem it necessary, they may re-examine any teacher of a primary school in the

Examine teacher.

township, and if found wanting in the requisite qualifications, they may annul the certificate given to such teacher, by giving such person five days notice of the re-examination and of their intention to annul such certificate if they find him deficient in the requisite qualifications, and filing a copy of such notice in the office of the township clerk.

To meet two days at expense of township.

SEC. 36. The said board shall meet not more than two days in each year at the expense of the township, in addition to the meetings for the examination of teachers, for the purpose of forming or altering school districts as may be required, and the entire number of meetings of said board during any one year at the expense of the township, shall not exceed six in number; and whenever said board shall meet for the purpose of forming or altering school districts, they shall give the like notice as is required for meetings to examine teachers.

To form single districts from two or more cities or villages.

SEC. 37. The said board of any township in which is a city or village, if they shall deem that the interests of the schools will be promoted by so doing, shall form a single district out of any two or more school districts in any such village or city of this state, shall classify the pupils in such district, according to age, and require that such pupils shall be taught in distinct schools as classified by them, and such district may have the same number of school houses, and raise the same amount of taxes which the original districts forming the same could raise if not united: Provided that this section shall not be construed to repeal or take the place of any special enactment relative to any city or village aforesaid.

Duties.  
Board to render ac't, &c.

SEC. 38. It shall be the duty of said board to render to the township board on the Tuesday next preceding the annual township meeting, a full and true account of all moneys received and all moneys disbursed by them, and the said board shall allow such account if the proper vouchers are presented.

Board to fill vacancies occasioned by death.

SEC. 39. In case of death, removal or permanent disability to act, of any one of the inspectors, his office shall be deemed vacant, and



the board shall fill such vacancy by appointment, except a vacancy in the office of township clerk.

SEC. 40. Whenever any district board shall fail to supply any vacancy within the time limited in section twenty-three, the board of inspectors shall fill the same by appointment. When board of inspectors to fill vacancy.

SEC. 41. The inspectors shall be entitled to receive for their services a sum not exceeding one dollar each per day, to be audited by the township board, and paid out of the township treasury, except in the cases specified in this act, where the services of said inspectors are not to be a township charge. Compensation of inspectors.

#### OF CERTAIN DUTIES OF THE TOWNSHIP CLERK.

SEC. 42. The township clerk shall be the clerk of the board of school inspectors by virtue of his office, and shall have power and it shall be his duty : Town clerk clerk of board of school inspectors.

*First.* To attend all meetings of the inspectors, and to prepare under their direction all their reports, and record the same, and all their proceedings, including the names of teachers to whom certificates have been given, with the date of each certificate, and the name of each teacher, whose certificate has been annulled with the date of such annulment. To attend all meetings of inspectors.

*Second.* On receiving the notice prescribed in the sixty-second section of this act, to apportion the school money among the several districts in the township entitled thereto, in proportion to the number of children in each, between the ages of four and eighteen years, as the same shall be shown by the annual report of the director of each district, for the school year last closed, and also to apportion in like manner, on receiving notice of the amount from the township treasurer, all moneys raised by township tax or received from other sources for the support of schools, and in each case make out and deliver to the township treasurer, a written statement of the number of children in each district drawing money and the amount apportioned for each district, and in all cases record the apportionment. To apportion school money.

*Third.* To receive and keep all reports made to the inspectors

To receive & keep reports made to him. from the directors of the several school districts, and all the books and papers belonging to the inspectors, and file the same in his office.

To receive comm's. from sup. pub. inst. *Fourth.* To receive all such communications as may be directed to him by the superintendent of public instruction, and dispose of the same in the manner directed therein.

To transmit reports to co. clerk. *Fifth.* To transmit to the clerk of the county all such reports as may be made for such clerk by the inspectors, within the time limited in this act.

To make out statement of school districts. *Sixth.* To make out within ten days after entering upon the duties of his office, a written statement of the several school districts, and parts of districts in the township, describing their boundaries, and transmit the same to the supervisor to be filed in his office, and shall also certify to said supervisor from time to time, the alterations made in such districts.

To certify amount to be assessed. *Seventh.* To certify to the supervisor the amount to be assessed on the taxable property of a school district retaining the district school house or property on division of the district, and also such amount to the director of the old and new district.

To certify amount of tax voted. *Eighth.* To certify to said supervisor on or before the second Monday in October in each year, the amount of tax, if any, voted by the electors, at the last preceding annual township meeting, to be raised for the township library.

To be librarian. *Ninth.* To be the librarian and have the custody of the township library, and generally to do and execute all such things as belong to his office, and may be required of him by the inspectors.

#### OF CERTAIN DUTIES OF THE SUPERVISORS—SCHOOL DISTRICT AND TOWNSHIP TAXES FOR SCHOOL PURPOSES.

Supervisor to assess taxes voted by any school district. *SEC. 43.* It shall be the duty of the supervisor of the township to assess the taxes voted by any school district of his township, and also all other taxes provided for in this act chargeable against such district or township, on the taxable property of the district or township respectively, and to place the same on the township assessment roll in the

column for school taxes, and the same shall be collected and returned by the township treasurer in the same manner and for the same compensation as state and county taxes.

**SEC. 44.** The said supervisor shall, for the present year, assess upon the taxable property of his township, the sum of twenty-five dollars, for the year eighteen hundred and forty-four, a tax of half of one mill upon each dollar of the taxable property of his township, for the year eighteen hundred and forty-five, and annually thereafter, a tax of one mill on each dollar of the total valuation of the taxable property in his township, and of the amount so received, [raised,] the sum of twenty-five dollars shall be applied annually for the purchase of the township library, and any sum not so applied shall be apportioned to the several school districts in the township, in the manner required in the second subdivision of the forty-second section of this act for the support of schools in such districts: *Provided*, that not less than twenty-five dollars shall be assessed in a township in any one year, and when the township library shall contain two hundred volumes the qualified electors of the township may, by vote at the annual township meeting, reduce the amount applied to the purchase of the township library to any sum not less than ten dollars annually.

To assess \$25 for 1844. For 1845 half of one mill. For 1845 and annually thereafter one mill.

How applied.

**SEC. 45.** All school taxes returned for non-payment, shall be collected in the same manner as state and county taxes and all taxes imposed by this act for district purposes, except a tax for building school houses, shall be limited to one mill on the dollar of the taxable property of the district taxed for any one year, and the supervisor shall in no case levy a tax for district purposes exceeding such limit.

School taxes returned for non-payment to be collected same as other taxes.

**SEC. 46.** The supervisor, on delivery to the township treasurer, of the warrant for the collection of taxes, shall also deliver to said treasurer a written statement of the amount of township, school and library tax, the amount raised for district purposes on the taxable property of each district in the township, the amount assessed belonging to any new district on division of the former district, and the names of all persons having judgments assessed under the provisions

Date of supervisor on delivery of warrant to tp. treasurer.

of the sixty-ninth section of this act, upon the taxable property of any district in the township, the amount so assessed belonging to each of such persons, and the amount belonging to any person or officer as his proportion of the costs and interest of such judgments, and the name of each person or officer.

#### CERTAIN DUTIES OF THE TOWNSHIP TREASURER.

Duty of town treasurer.

SEC. 47. It shall be the duty of the township treasurer, to retain in his hands, out of the moneys collected, after deducting the amount of tax for township expenses, the full amount of school tax on the assessment roll, and hold the same subject to the warrant of the proper district officers to the order of the school inspectors of the township, or of the persons entitled thereto, to apply from time to time, to the county treasurer, for all school and library moneys belonging to his township or the districts thereof, and on the receipt of moneys to be apportioned to the districts, notify the township clerk of the amount to be apportioned, to commence all suits as required in this act, and generally to perform all duties required of him therein.

#### CERTAIN DUTIES OF THE TOWNSHIP BOARD.

Township board to remove certain persons from office.

SEC. 48. The township board of any township are hereby authorized and required to remove from office, upon satisfactory proof, after notice given to the party implicated, any district officer or school inspector who has illegally used or disposed of the public moneys entrusted to his charge.

#### CERTAIN DUTIES OF THE COUNTY CLERK.

County clerk to receive certain communications and dispose of same.

SEC. 49. It shall be the duty of each and every county clerk to receive all such communications as may be directed to him by the superintendent of public instruction, and dispose of the same in the manner therein directed.

To transmit report to sup. pub. inst'n.

SEC. 50. It shall be the duty of the clerk of each county, between the first and twentieth days of November, in each year, to make and transmit to the superintendent of public instruction, a report in writing, setting forth the whole number of townships in his county, distinguishing townships from which the required reports have been

made to him by the inspectors of schools, and containing an abstract of their reports; he shall also, within the time aforesaid, make out and deliver to the county treasurer, a written statement of the whole number of children in each township of the county, between the ages of four and eighteen, as shown by the said reports, and the board of supervisors of each county are hereby authorized to allow to the clerk of their county such compensation as they may deem proper for the services he may perform under and by virtue of the provisions of this act.

### SUPERINTENDENT OF PUBLIC INSTRUCTION.

**SEC. 51.** The superintendent of public instruction shall, as soon as practicable, make out a full set of forms and instructions required under the provisions of this act, and cause to be printed at the office of the printers to the legislature, a number of copies of this act, with the forms, instructions, and an index annexed, sufficient to furnish the governor, state treasurer, auditor general, superintendent of public instruction, each county clerk, each county treasurer, each supervisor, each township treasurer, each school inspector, and each school district officer and teacher in this state, with one copy, and shall forward the requisite number of copies to the county clerk of each county, to be distributed to such county and township officers and teachers respectively, and shall forward the other copies to the officers entitled thereto, and the account for expenses incurred shall be audited by the auditor general and paid out of the general fund.

Superintendent to make out forms and forward same to county clerks.

**SEC. 52.** It shall be the duty of the superintendent of public instruction, to include and cause to be printed with this act, and the forms thereto, a list of such books of instruction as he shall deem best adapted for the use of the primary schools of this state, and also a list of works containing not less than one hundred volumes suitable for township libraries, with such rules as he would recommend for the government of such libraries.

List of books to be included with this act.

**SEC. 53.** The said superintendent shall publish in each annual report, which he shall make to the legislature hereafter, a list of

Sup't to publish list of books in annual report.

books, such as, in his opinion, should be used as text books in the primary schools, and a list of books for township libraries.

### TOWNSHIP LIBRARY.

Library to be established.

**SEC. 54.** A library shall be established in each organized township of this state, of which the township clerk shall be librarian.

Children to draw books.

**SEC. 55.** All children in the township, between the ages of four and eighteen years, shall be permitted to draw books from said library, free of charge.

Books to be distributed.

**SEC. 56.** The books in said library shall be distributed among the several school districts of the township, in proportion to the number of children in each district between the ages of four and eighteen years, and shall be drawn from said library in the manner prescribed in the eleventh and twelfth sub-divisions of the twenty-first section of this act.

Fines to be divided among townships.

**SEC. 57.** Each and every township shall be entitled to its proportion of the clear proceeds of all fines which have been collected, or may be collected, within the county, for any breach of the penal laws ; and, also, its proportion of the equivalents for exemption from military duty ; which fines and equivalents shall be paid over by the several officers collecting the same, to the treasurers of their respective counties, to be by them apportioned, together with the amounts heretofore paid into the treasury, and not already apportioned, among the several townships in the county, according to the number of children between the ages of four and eighteen years, as shown by the last annual statement of the county clerk on file in his office, which money, when received, together with any uncurrent funds on hand, shall be applied to the purchase of books for the use of the township library and for no other purpose.

\$50 may be raised by the voters in addition for library.

**SEC. 58.** The qualified voters of each township at their annual township meeting may, by vote, raise upon the taxable property of the township a sum not exceeding fifty dollars in addition to the sum required in this act for the township library, to be expended by the school inspectors as shall be directed by the meeting, in the purchase of books for the use of the adult residents of the township or for their

children between the ages of four and eighteen years, the said books to be placed in and form a part of the township library.

### DISTRICT LIBRARY.

SEC. 59. The provisions of this act relating to the township library, shall not apply to any school district of this state, in which a district library has already been established without the assent of such district, given in district meeting. If such assent shall not be given, the qualified voters of such district, at any regular meeting, may raise a tax upon the taxable property of the district, which, with the amount of township library tax apportioned, shall not exceed ten dollars annually for the purchase by the district board of the library and appendages, such tax to be certified, assessed, collected and paid over in the same manner as other district taxes. The district board shall purchase no books of a sectarian character. The director shall be the librarian, and shall distribute the books under the restrictions of the rules made by the board of school inspectors. The district shall be entitled to its proportion of all library monies which shall be apportioned in the same manner as school moneys. The director of the district in his annual report to the school inspectors, shall state the amount raised, and the amount received for the library. Townships which have adopted the district library system, may direct at each annual meeting, that the entire amount of money raised by township tax for libraries, shall be applied to the support of schools, and such money shall be applied accordingly.

When provisions of this act not to apply.

When tax may be raised.

Books of a sectarian character not to be purchased.

Director to be librarian.  
Director to make annual report.

### DISTRIBUTION OF THE INCOME OF THE SCHOOL FUND.

SEC. 60. The interest of the primary school fund shall be distributed annually on the first Monday of April for the support of common schools in the several townships of this state, from which reports have been received by the superintendent of public instruction in accordance with the provisions of this act, for the school year last closed, in proportion to the number of children in such townships,

When interest of school fund to be distributed.

Between the ages of four and eighteen years; and shall be payable on the warrant of the auditor general to the treasurers of the several counties.

Treasurers of counties to apply for and rec. moneys.

SEC. 61. The treasurers of the counties shall apply for and receive such moneys as are apportioned to their respective counties, when the same shall become due.

To give notice to cl'k of board of inspectors.

SEC. 62. The treasurer of each county when he shall receive such moneys, shall give notice in writing to the clerk of the board of school inspectors of each township in his county, of the amount of school moneys apportioned to such township, and shall hold the same subject to the order of the township treasurer.

Disposition of moneys not applied for.

SEC. 63. In case the moneys apportioned to any township from the primary school interest fund, shall not be applied for by the township treasurer within three months after the receipt of the same at the county treasury, the moneys so unapplied for, shall be apportioned by the county treasurer among the other townships of the county, in the same manner the first apportionment was made.

Duties of cl'k on receiving notice from superintendent

SEC. 64. Whenever the clerk of any county shall receive from the superintendent notice of the amount of moneys to be disbursed in the several townships in his county, he shall file the same in his office and deliver forthwith a copy to the county treasurer.

#### SUITS AND JUDGMENTS AGAINST SCHOOL DISTRICTS.

When justices of the peace shall have jurisdiction over school dist'cs.

SEC. 65. Justices of the peace shall have jurisdiction in all actions of assumpsit, debt, covenant and trespass on the case against school districts, where the amount claimed or matter in controversy shall not exceed one hundred dollars.

Process by summons.

SEC. 66. Whenever any suit shall be brought against a school district, the process shall be by summons, a copy of which shall be left with the assessor of said district at least eight days previous to the return day thereof.

SEC. 67. No execution shall issue on any judgment against a



school district, nor shall such judgment be sued; but the same shall be collected in the manner prescribed in this act. No execution to issue.

SEC. 68. Whenever any final judgment shall be obtained against any school district, if such judgment shall not be removed to any other court, it shall be the duty of the assessor of the district to certify to the supervisor of the township, the date and amount of such judgment, to be assessed upon the taxable property of the district, and collected as in other cases, also the amount belonging to any person or officer as his proportion of the costs of such judgment, and the name of such person or officer, and if such judgment shall be removed to any other court, the assessor shall certify as aforesaid, after the final determination of the judgment against the district, and if he shall omit to certify as required, it shall be lawful for the party obtaining such judgment, his executors, administrators or assigns, to file with the supervisor the certificate of the justice or the clerk of the court rendering such judgment, showing the facts which should have been certified by said assessor. Duty of assessor when judgment is rendered against district.

SEC. 69. The supervisor receiving either of the certificates mentioned in the last section, shall assess the amount of the judgment upon the taxable property of the district, placing the same on the next township assessment roll, and shall assess, in addition to said judgment, interest from the date of the judgment to the time when the warrant for the collection of the tax shall expire. Duty of supervisor in like case.

#### PENALTIES AND FORFEITURES.

SEC. 70. If any taxable inhabitant receiving the notice mentioned in the first and second sections of this act, shall neglect or refuse without good and sufficient cause, duly to serve and return such notice, or if the chairman of the first district meeting shall neglect or refuse to perform the duty enjoined on him in the fourth section of this act, he shall forfeit to the township for the use of its library, the sum of five dollars, to be recovered in an action of debt by the assessor when the district shall be organized, before any court of competent jurisdiction. Penalties for not performing certain duties.

Penalty when  
persons elect-  
ed refuse to  
qualify, &c.

SEC. 71. Every person elected to the office of moderator, director, or assessor of a school district, who, without sufficient cause shall neglect or refuse to qualify and serve, or who having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by virtue of his office, shall forfeit to the township for the use of its library, the sum of ten dollars, to be recovered in an action of debt brought by and in the name of any qualified voter of the district, before any court of competent jurisdiction, and the money when collected shall be paid into the township treasury for the use aforesaid, subject to the order of the school inspectors.

A person elec-  
ted inspector  
who refuses to  
qualify to pay  
\$10.

SEC. 72. Any person elected or appointed school inspector, who shall neglect or refuse, without sufficient cause, to qualify and serve as such, or who, having entered upon the duties of his office, shall omit to perform, or perform them unfaithfully, shall forfeit to the use of the primary schools of his township, the sum of ten dollars, to be recovered in an action of debt by the township treasurer before any court of competent jurisdiction.

It board of in-  
spectors refuse  
to make report  
to be fined 50  
dollars.

SEC. 73. If any board of school inspectors shall neglect or refuse to make and deliver the report required in the twenty-ninth section of this act, by the time set forth in such section, they shall forfeit to the use of the schools in their township, the sum of fifty dollars and the full amount of money lost by their failure with interest on the same, to be recovered in an action of debt, by the township treasurer, before any court having competent jurisdiction of the same, and for failure to transmit such report to the county clerk as required the township clerk shall be subject to the same penalty, to be recovered in the same manner and for the use aforesaid.

How to reco-  
ver.

When supervi-  
sor liable.

SEC. 74. Any supervisor neglecting or refusing to perform any duty required of him in this act, shall be liable to any party aggrieved, in the full amount of damages sustained in consequence of such neglect or refusal.

SEC. 75. Every county clerk, who shall neglect or refuse to make the report and statement required in the fiftieth section of this

act, by the time limited, shall, for each offence, forfeit the sum of <sup>When county clerk liable.</sup> fifty dollars to the use of the schools of said county, to be recovered in an action of debt, to be commenced forthwith by and in the name of the superintendent of public instruction; and the money so recovered shall, when received by the superintendent, be paid into the treasury of the county for the use of schools of said county; and such clerk shall also be liable to pay to any district or township, the amount of money such district or township may lose by such neglect, to be recovered by an action of debt before any court having competent jurisdiction.

SEC. 76. Each and every officer created by the provisions of this act, who shall receive, by virtue of his office, any books, papers or <sup>Penalty for refusing to deliver books, &c.</sup> money, and shall refuse to deliver the same to his successor in office, or shall wilfully mutilate or destroy the same or any part thereof, shall be deemed guilty of a misdemeanor, and liable to a fine not less than twenty-five nor more than five hundred dollars, at the discretion of the court.

SEC. 77. In all cases not otherwise provided for in this act, in <sup>Penalties not heretofore provided for.</sup> which a duty shall be enjoined upon any person, officer, or board of officers, such person, officer, or board, as the case may be, shall be liable to any party aggrieved, in the full amount of all damages sustained by the wilful neglect or unfaithful performance of such duty.

#### MISCELLANEOUS PROVISIONS.

SEC. 78. It shall be lawful for any person paying taxes in any <sup>Persons paying tax in any school district may send children.</sup> school district, to send scholars to any district school in such district, and shall have and enjoy for that purpose, all the rights and privileges of residents of such district, except that of voting: *Provided*, That in the apportionment of moneys from the school fund, scholars so sent shall be considered as belonging to that school district.

SEC. 79. In cases where one or more school districts shall have <sup>Provisions where school districts are set off after tax levied.</sup> been set off after a tax has been levied on the taxable property of such district or districts, and shall not have been collected and paid over, each district shall be entitled to such share of said tax as the

taxable property in such district, on which such tax was in part levied, bears to the whole amount of the taxable property on which such tax was levied.

When person  
entitled to re-  
ceive receipt.

SEC. 80. Each person or officer required to deliver any paper or pay any money under the provisions of this act, to any other person or officer, shall be entitled to receive a receipt therefor from the person or officer to whom such paper is delivered or such money paid.

Provisions af-  
fecting school  
districts organi-  
zed before the  
passage of this  
act.

SEC. 81. School districts organized before the passage of this act, shall have the same power and privileges, and be subject to the same liabilities as those organized under this act; but this act shall not be construed to extend to the city of Detroit, in so far as the same is inconsistent with "an act relative to free schools in the city of Detroit," approved February seventeenth, eighteen hundred and forty-two, or any act amendatory thereto.

Certain acts  
repealed.

SEC. 82. "An act to amend the revised statutes relative to primary schools," approved April first, eighteen hundred and forty, an act amendatory thereto, approved April sixth, eighteen hundred and forty-one, and all acts and parts of acts, contravening the provisions of this act, are hereby repealed.

SEC. 83. This act shall take effect and be in force in ten days after its passage, but the provisions relating to the township library shall not apply to any township of this State, in which the qualified electors of such township shall before the tenth day of April, eighteen hundred and forty-four, by vote at an annual township meeting exempt such township from the operation thereof; and in such townships the provisions of the law approved April first, eighteen hundred and forty, relating to district libraries, shall be in force until such tenth day of April, and after such date the provisions relating to district libraries shall be in force, but any township may vote at its next annual meeting, that the provisions relating to the township library shall take effect in such township immediately after such meeting; and any township may vote, at an annual meeting, that either system of libraries shall be in force in such township, but no change shall be made oftener than once in three years, and in all

cases as above specified, the vote shall have the force and effect of law.

Approved March 8, 1843.

[No. 51.]

AN ACT to incorporate the village of Jackson.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That so much of the township of Jackson as is included in the following boundaries to wit: All that tract of land which is included within two hundred and forty rods north, south, east, and west, of the north-east corner of section three in township three south, of range one west, shall be and the same is hereby constituted a town corporate by the name and title of the "village of Jackson."

SEC. 2. The inhabitants of said village having the qualifications of electors under the constitution of the State, shall meet at the courthouse in said village on the first Monday of May next, and on the first Monday of May annually, thereafter, at such place as shall be provided in the by-laws of said village, and then and there proceed by a plurality of votes, to elect by ballot six trustees, two assessors and one president, one recorder, and one treasurer, being qualified electors and residing in any part of said village, who shall hold their offices for one year, and until their successors are elected and qualified: *Provided*, that if an election of such officers shall not be made on the day when in pursuance of this act it ought to be made, the said corporation, for that cause, should not be deemed to be dissolved, but it shall and may be lawful to hold such elections at any time thereafter, pursuant to public notice, to be given in the manner hereinafter described.

Six trustees  
to be elected.

SEC. 3. At the first election in said village, to be holden under

Two judges and a clerk to be chosen at the first election.

this act, there shall be chosen viva voce by the electors present, two judges and a clerk of said election, and they shall canvass the votes and certify the result of said election in the same manner that the common council are required to do by this act, and all subsequent elections shall be held in said village and superintended by the president, recorder and one or more of the trustees: and further, that the poll of such elections shall be opened between the hours of nine and ten o'clock in the forenoon, and shall be continued until three o'clock in the afternoon of the same day, and no longer; and that the name of each elector voting at such election shall be written in a poll list, to be kept at such election by the officer or officers holding the same, and the said officer or officers shall proceed without delay, publicly to count the ballots, unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the officer or officers holding said election, shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess, and if two or more ballots are found rolled or folded up together, they shall not be estimated, and thereupon the officer or officers holding such election, shall immediately proceed, openly and publicly to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate on the same day, or on the next day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall file such certificate in the office of the recorder of said village within twenty-four hours after the close of said canvass; at which last mentioned period, the common council shall proceed to canvass said returns, and shall declare the result of said election, and in case it shall at any time happen that two or more persons shall have an equal number of votes, so that no election shall be had, a new election shall be had.

Manner of conducting election.

Recorder to give notice.

SEC. 4. It shall be the duty of the recorder of said village to give five days' public notice, in writing, in three public places in said village, of the time and place of holding all elections, both annual and special, in said village, and every person offering to vote at any such elections, before he shall be permitted to vote, shall, if required by

the officer or officers holding such elections, or by any other persons qualified to vote thereat, take the following oath: "I do solemnly and sincerely swear, (or affirm,) that I am a citizen of the United States, (or that I was a resident of the State of Michigan at the time of signing the constitution thereof,) of the age of twenty-one years, according to the best of my knowledge and belief, and that I have been a resident of the State of Michigan for six months next preceding this election, and am now, and for thirty days last past, have been a resident in the village of Jackson, and that I have not voted before in said village at this election ;" and upon taking such oath, he shall forthwith be permitted to vote.

SEC. 5. It shall be the duty of the recorder of said village, as soon as practicable, and within five days thereafter after the closing of the polls of any election, to notify the officers respectively of their election, and the said officers so elected and notified, as aforesaid, shall within ten days after receiving a copy of such notice, take an oath or affirmation before any justice of the peace for said county of Jackson, to support the constitution of the United States and of this state, and faithfully and impartially to execute and discharge the duties of their said office, a certificate of which shall be filed with the recorder of said village.

Officers to be notified of the election.

SEC. 6. It shall be the duty of the president to preside at all the meetings of the village council, and it shall also be the duty of the recorder to attend to all such meetings, and keep a fair and accurate record of their proceedings.

President to preside.

SEC. 7. The president, recorder and trustees of said village, shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of "The common council of the village of Jackson," and by that name they and their successors shall be known in law, and shall be, and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of record, and any other place whatsoever, and may have a common seal, and may alter and change the same

To be a body corporate, &c.

at their pleasure, and by the same name shall be, and are hereby made capable, of purchasing, holding, conveying, and disposing of any real or personal estate for the use of said corporation.

Town laws to apply in said village.

SEC. 8. The inhabitants of said village shall be liable to the operation of any and all laws relating to township government, except so far as relates to the laying out and construction of streets, and highways, and the labor to be performed thereon within the limits thereof, and also except so far as relates to the licensing of taverns and groceries, and other places where spirituous liquors are sold in less quantities than twenty-eight gallons.

Common council may impose fines, &c.

SEC. 9. The president, recorder and trustees, when assembled together and duly authorized, shall constitute the "common council of the village of Jackson," and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, (though a less number may adjourn from time to time,) and the said common council shall hold their meetings at such time and place as the president, or, in his absence, the recorder, may appoint; and the common council shall have power to impose, levy and collect such fines as they may deem proper for the non-attendance of the officers and members thereof, at any such meeting, and, also, to require the attendance of any officer by them appointed, & to impose fines for non-attendance: *Provided*, No such fine shall exceed five dollars for one offence.

Vacancies to be filled.

SEC. 10. In case of the death, resignation or removal of the president, recorder or any of the trustees, or other officers, elected by the electors of said village, such death, resignation or removal, shall be announced by the president or recorder to the members of the common council, who shall convene as soon as may be, and order, by a public notice to be posted up in three public places in said village, that an election will be held by the electors of said village to elect a suitable person or persons to fill such vacancy or vacancies, which shall be conducted and certified in the same manner as is herein before provided for the election of village officers, which election shall be ordered to be held at any time within thirty, and not less than five days after such vacancy shall have occurred.



SEC. 11. The common council shall have power to remove, at pleasure, any of the officers by them appointed by virtue of this act, and to fill all vacancies that may happen in any of said offices, so often as the same may occur, by death, resignation or removal or any other cause; and all officers, so appointed, shall be notified and qualified, as aforesaid, and perform the duties of their respective offices.

Power to remove any officers & fill vacancies.

SEC. 12. The treasurer and marshal shall, respectively, before they enter upon the exercise of the duties of their respective offices give such security for the faithful discharge of the duties of the trusts reposed in them, as the common council shall direct and require.

Treasurer and marshal to give bond.

SEC. 13. The common council shall have full power and authority to appoint a marshal and all other officers necessary, under the provisions of this act, for said village, whose election is not provided for in this act; to make by-laws and ordinances relative to the duties, powers and fees of the marshal, treasurer, assessors, and other officers, relative to the time and manner of working upon the streets, lanes and alleys of said village, relative to the manner of assessing, levying and collecting all highway and other taxes in said village.

Common council may appoint officers &c.

SEC. 14. The common council shall have power to make all such by-laws and ordinances as shall be necessary to secure said village and the inhabitants thereof, against injuries by fire, and persons from violating the public peace; for the suppression of riots and gambling, and for the punishment of the same; for the apprehension and punishment of all vagrants, drunkards, and idle persons; and they shall have power to make all by-laws and ordinances, as to them shall seem necessary for the safety and good government of said village, and the inhabitants thereof, and to impose all fines, penalties, and forfeitures, on all persons offending against the by-laws and ordinances, made as aforesaid.

To make by-laws and ordinances.

SEC. 15. The common council shall have power to prevent the vending of liquors in a less quantity than twenty-eight quarts in any

To prevent sale of liquors.

To regulate measuring of wood, weighing of hay, &c. &c.

place within said village, not duly licensed ; to regulate the measuring of firewood and the weighing of hay, and to prescribe and designate the stand for carters and carts, and for wood, hay, and produce, exposed for sale in said village ; to prevent and punish immoderate driving in any of the streets in said village ; to prohibit bathing in any public waters in said village ; to prevent the incumbering of the streets, side-walks, alleys, or public grounds or squares ; to provide for clearing the Grand River, within the limits of said corporation, of all wood, filth or other nuisances, and to regulate all grave yards for the burial of the dead for said village.

Justice of the peace to have certain power.

SEC. 16. Any justice of the peace of the township of Jackson is hereby authorized and empowered to inquire of, hear, try and determine, in a summary manner, all the offences which shall be committed within the limits of said village, against any of the by-laws, ordinances and regulations that shall be made, ordained or established by the said common council, in pursuance of the powers granted them by this act, and punish the offender or offenders, as by the said by-laws, ordinances or regulations, shall be prescribed or directed : *Provided*, always, that any person arrested on a charge of violating any of the by-laws aforesaid, may demand and have a trial by jury.

Compensation of officers.

SEC. 17. The recorder, treasurer, marshal, and such other officers as may be appointed by this corporation, shall receive such compensation for their services as the by-laws and ordinances of said corporation shall direct, but the residue of the common council shall receive no pecuniary compensation.

Account of monies to be published.

SEC. 18. The common council shall, at the expiration of each year, cause to be published a just and true account of all moneys received or expended by them, in their corporate capacity, during the year next preceding such publication, and also the disposition thereof ; previous to which, they shall settle and audit the accounts of the treasurer, and the accounts of all other officers or persons having claims against the village, or accounts with it, and shall make out in detail, a statement of all receipts and expenditures, which statement shall fully specify all the appropriations made by the common

council, and the object and purposes for which the same were made, and the money expended under each appropriation, the amount of tax raised, the amount of contingent expenses, the amount on highways and streets, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the village.

SEC. 19. In all processes, prosecutions, and other proceedings, wherein the common council of said village shall be a party, no citizen of said village shall be deemed an incompetent juror or witness, on account of the interest of such citizen in the event of such process or proceedings: *Provided*, That such interest be only that which exists in common with the citizens of said village.

Citizens competent to sit as jurors in cases against the village.

SEC. 20. Whenever any action or suit shall be commenced against said corporation, process against said corporation shall be served by leaving a copy of such process, attested by the proper officer, with the recorder of said corporation, or at his usual place of abode therein, whose duty it shall be, forthwith, to inform the president and trustees thereof: *Provided*, The first process shall be by summons, and a copy thereof left with the recorder, at least six days before the return day thereof.

How process served.

SEC. 21. The common council shall have power and authority to levy and collect a capitation or poll tax, upon the male inhabitants of said village, above the age of twenty-one years, not exceeding one dollar per annum on each person so taxed, and also, taxes on all real and personal property within the limits of said village, necessary to defray the expenses thereof: *Provided*, That the said taxes, so assessed and collected, shall not exceed in any one year, one-fourth of one per centum upon the valuation of said real and personal property; and every assessment of tax, lawfully imposed or laid by the said common council, on any lands, tenements, and hereditaments, or premises whatsoever, in said village, shall be and remain a lien on such lands, tenements and hereditaments, from the time of making such assessment, or imposing such tax, until paid; and the owners or occupants, or parties in interest, respectively, in said real estate.

Common council shall have power to levy tax.

Proceedings.

**Proceedings,** shall be liable, upon demand, to pay every such assessment or tax, to be made as aforesaid; and in default of such payment, or any part thereof, it shall be lawful for the marshal of said village to sell personal estate, and for want thereof, to sell real estate sufficient to satisfy the charges which may accrue: *Provided*, That whenever any real estate shall be sold by said marshal, notice thereof shall be published in a newspaper, printed in said village, for at least one month; and the said marshal shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the time when the purchaser will be entitled to a deed for said land; and if the person claiming title to the said lands described in the sale, shall not, within two years from the date thereof, pay to the treasurer of said village, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon, at the rate of ten per cent per annum, from the date of such certificate, the said marshal, or his successor in office, shall, at the expiration of the said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate, in fee simple, subject to all the claims the State shall have thereon; and the said conveyance shall be prima facie evidence that the sale was regular, according to the provisions of this act; and every such conveyance, executed by said marshal, under his hand and seal, and acknowledged by witnesses, and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence; and all personal estate so sold, shall be sold according and in such manner as the common council may direct.

**Assessors to  
give notice.**

SEC. 22. Whenever the assessors of said village shall have completed their assessment roll and valuation of the property, real and personal, in said village, it shall be their duty to give notice thereof, by publishing in any newspaper printed in said village, by at least

two insertions, stating the place where the said roll is left for the inspection of all persons interested; and of the time when, and place where, they will meet to hear the objections of any person interested in the valuation so made by them, the said assessors shall meet, and on the application of any person considering himself or herself aggrieved, may review and reduce the said valuation, on sufficient cause being shown upon oath, to the satisfaction of the said assessors; and if any person or persons shall conceive himself or themselves aggrieved by the final decision of the said assessors, they shall have the right of appealing from such decision, at any time within ten days thereafter, to the common council, who are in like manner hereby authorized, upon sufficient cause being shown, to reduce said valuation.

SEC. 23. It shall be the duty of the common council to make the original assessment roll and to make out a duplicate of taxes, charging each individual therein, an amount of tax in proportion to the amount of real and personal estate of such individual within said village, which duplicate shall be signed by the president and recorder, and delivered to the marshal, whose duty it shall be to collect the same, within such time, and in such manner, as the by-laws shall direct.

SEC. 24. The common council shall have power to appoint one or more street commissioners or other officers to superintend and direct the making, paving, repairing and opening of all streets, lanes, alleys, side-walks, highways or bridges within the limits of said corporation, in such manner as they may, from time to time, be directed by the common council; also, establish the line upon which buildings may be erected, and beyond which such buildings shall not extend, and the common council shall cause the expenses of grading such streets, or making such side-walks, to be assessed on lots or premises adjoining such improvements.

SEC. 25. All moneys to be raised by tax in said village, shall be collected and paid over by the marshal, to the treasurer of said vil-

Original assessment roll.

Street commissioners to be appointed.

Moneys to be collected and paid over.

lage, at such time and under such regulations as shall be prescribed by the ordinances of the common council.

Fire companies to be organized, &c.

SEC. 26. The common council shall have authority to establish and organize all such fire companies, and hose and hook and ladder companies, and provide from with the proper engines and other instruments, which shall be necessary to extinguish fire and preserve the property of the inhabitants of said village from conflagration; to appoint from among the inhabitants of said village, such number of men, willing to accept, as may be deemed proper and necessary, to be employed as firemen: *Provided*, Such number does not exceed fifty in the management of one engine, and each fire, hose and hook and ladder company shall have power to appoint their own officers, pass by-laws for the organization and good government of said companies, subject to the approval of the common council, and may impose and collect such fines for the non-attendance or neglect of duty of any of its members, as may be established by such by-laws and regulations of every such company; and every person belonging to such company shall obtain from the recorder of said village, a certificate to that effect which shall be evidence thereof, and the members of such company, during their continuance as such, shall be exempt from serving on juries and working a poll tax on the highways or streets in said village; and it shall be the duty of every fire company to keep in good and perfect repair, the fire engine, hose, ladders and other instruments of such company, and it shall be the duty of each fire company to assemble once in each month, or as often as may be directed by said common council, for the purpose of working or examining said engine and other implements, with a view to their perfect order and repair.

May pass by-laws.

Duty of marshal at fires.

SEC. 27. Upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of such fire, and aid and assist, as well in extinguishing such fire, as in preventing any goods from being stolen, and also in removing and securing the same

and shall in all respects be obedient to the president, recorder and trustees, or either of them, who may be present at the fire.

SEC. 23. This act shall be deemed a public act, and shall take effect and be in force on and after the third Monday in April next.

Approved March 7, 1848.

[No. 52.]

AN ACT to incorporate the Berrien Bridge Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Benjamin D. Townsend, Charles Wallen, and their associates, be and they are hereby declared and made a body corporate, under the name and style of "The Berrien Bridge Company," for the purpose of constructing a bridge across the St. Joseph River, at or near the village of Berrien, in the county of Berrien, and as such, they and their successors shall have power to purchase, hold and enjoy such real and personal estate not exceeding five thousand dollars, as shall be necessary to fulfil the ends of their incorporation. Berrien bridge company.

SEC. 2. Each of the persons named in this act shall be, and are hereby made commissioners for receiving subscriptions, and shall furnish books for that purpose, which shall be kept open for two years, unless the whole number of shares be sooner subscribed. Commissioners to furnish books for subscription.

SEC. 3. The capital stock of said company shall be divided into one hundred shares, of fifty dollars each, and each subscriber shall pay to the commissioners at the time of subscribing, ten per cent. of the amount so subscribed by him, and the residue to the president and directors, to be elected at such time and place as they shall, from time to time, require. The shares subscribed shall be deemed and considered to be personal estate. Capital stock. To be deemed personal estate

SEC. 4. As soon as one sixth part of the whole number of shares

**Commissioner to give notice.** shall have been subscribed, the commissioners shall give notice, either personally or by advertisement in a newspaper printed in said county, at least twenty days, of the time and place where and when the subscribers shall meet to choose directors.

**Nine stockholders to be elected.** SEC. 5. At the election so appointed, the commissioners present shall preside, and the subscribers present, or their proxies, by a plurality of votes, shall elect, by ballot, nine stockholders to be directors of the corporation for the ensuing year.

**Elections on 1st Tuesday of May.** SEC. 6. An election for directors shall be held annually thereafter on the first Tuesday of May, and the senior director present shall preside.

**Subscription books to be delivered to directors.** SEC. 7. At the first election, the commissioners shall deliver their respective subscription books to the directors chosen at the first meeting, and then and there pay over to such directors the moneys received by them respectively, on such subscriptions.

**Election may be held on any other day.** SEC. 8. If an annual election be not held on the day fixed above, it may be held on another day, of which notice shall be given by the directors then in office, as before provided.

**Votes to be estimated.** SEC. 9. The persons presiding at each election, shall, immediately after receiving the ballots openly estimate the votes and thereupon make and subscribe a certificate of the result. Of the first election they shall make a return to the directors chosen at their first meeting thereafter.

**Each share to ten entitled to a vote.** SEC. 10. Each stockholder, in person or by proxy, shall, at each election, be entitled on the shares then held by him, to one vote for each share, to the number of ten, and for every five shares above that number one additional vote.

**Quorum.** SEC. 11. Five directors shall constitute a quorum for the transaction of business, and the acts of a majority of the board present shall bind the corporation.

**A president to be chosen.** SEC. 12. The directors, at their first meeting after their election, shall elect by ballot one of their number as president.

**Vacancies how filled.** SEC. 13. All vacancies in the office of directors, shall be filled by a vote of the stockholders at a meeting to be regularly called for



that purpose, and the person chosen shall hold his office until the next annual election.

SEC. 14. The president and directors shall have power and it shall be their duty :

Powers and duties of president and directors.

*First.* To meet from time to time at such places as they may deem expedient.

*Second.* To make such by-laws, rules and regulations as in their judgment the affairs of the corporation shall require, not inconsistent with the provisions of this act.

*Third.* To appoint such subordinate officers, artists and workmen, as they shall deem necessary to execute the business of the corporation.

*Fourth.* To continue to receive subscriptions of shares until their whole capital stock shall be subscribed, unless it shall be ascertained that a less sum will be sufficient to fulfil the ends of the corporation.

*Fifth.* To demand at such time and in such proportion as they shall see fit, from the stockholders the sums of money due on their respective shares under pain of forfeiture of such shares, and all previous payments thereon to the corporation.

*Sixth.* To declare by a by-law in what manner and under what restrictions the shares of their capital stock shall be transferable.

*Seventh.* To construct, complete and keep in constant repair, the bridge, with all necessary buildings and appurtenances for the purposes of which this act of incorporation is passed, and

*Eighth.* To keep a just and fair account of all tolls received, and of all moneys, disbursements, and deducting costs and charges, to make and declare a dividend of the clear profits and income of the bridge among the stockholders on the first Tuesday of May and November in each year.

SEC. 15. The said bridge shall be located on the section line between sections eighteen and nineteen, in towns six south, range seventeen west, or as near as the same may be, and shall be built not less than sixteen feet wide with strong railing on each side thereof,

Bridge where located.

## LAWS OF MICHIGAN.

in so substantial and workmanlike manner as that loaded carriages may safely pass thereon.

Notice to be given.

SEC. 16. When the said bridge is completed, notice shall be given by the directors of the company to the associate judges of Berrien county, who shall examine said bridge, and if they shall deem the same properly constructed and completed in the manner aforesaid, they shall subscribe a certificate thereof and deliver the same to the directors or one of them.

Rates of toll.

SEC. 17. After the certificate aforesaid is given, said company shall be authorized to take toll from every person crossing said bridge before the gate shall be opened, at the following rates and no more, to wit : For every person and horse ten cents ; for every carriage drawn by one horse, ten cents ; for every cart or wagon drawn by one yoke of oxen or span of horses, twenty cents; and for each additional horse or ox, three cents; for every head of neat cattle, three cents; for every horse or mule and colt, six and a fourth cents ; for all sheep or hogs, ten cents a score : *provided*, that public expresses and troops in the service of this state or the United States, with their munitions and carriages, shall pass said bridge free of toll. A copy of the rates of toll shall be posted up at the toll house.

Copy to be posted up.

SEC. 18. Said bridge shall be so constructed as freely to permit the passage of boats without masts, and such steamboats as are ordinarily used on said river, under the same, and shall be kept in good repair.

Penalty for injuring said bridge.

SEC. 19. If any person shall obstruct the building of said bridge, or shall injure or impair, or forcibly or fraudulently pass over the same, he shall pay treble the amount of damages sustained in case of injury to the bridge, to be recovered, with costs of suit, by action of trespass, in any court having competent jurisdiction.

Penalty if toll-gatherer delay persons.

SEC. 20. If any toll-gatherer, or other person, shall unreasonably delay or hinder any traveller or passenger at the gate, or demand or receive more toll than is allowed by law, he, she, or they, shall forfeit and pay the sum of twenty-five dollars, to be recovered by indictment in the circuit court of Berrien county.

SEC. 21. That each stockholder shall be individually liable for all Stockholders individually liable. debts incurred by the company.

SEC. 22. The legislature at any time may have power, by a majority vote, to alter, amend or repeal this charter.

Approved March 7, 1843.

[No. 53.]

AN ACT in relation to the payment of interest on certain State Stocks.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the payment of interest on any Interest on certain state stocks to be paid at treasurer's office in Detroit. of the stocks or bonds of this state, now payable in New York or elsewhere, may hereafter be made at the state treasury, if the holders of said stock or bonds shall so elect.

SEC. 2. The state treasurer is hereby authorized to retain, out of State treasurer authorized to retain out interest paid, certain am'ts to pay accruing interest on univ. stock. any moneys belonging to the university interest fund and coming into the state treasury, sufficient to meet the accruing semi-annual interest on the university stock, and to apply the same to that purpose.

SEC. 3. The interest now due or hereafter to become due on the penitentiary stock of this state, shall be hereafter payable from the Interest due on penitentiary stock to be p'd out gen. fund. general fund.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 7, 1843.

## [No. 54.]

AN ACT to amend an act entitled "an act to amend an act entitled an act to incorporate the village of Pontiac."

Charter of vil-  
lage of Pontiac  
amended

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the twenty-third section of the act entitled "An act to amend an act entitled an act to incorporate the village of Pontiac," approved February twenty-seventh, eighteen hundred and forty-two, be and the same is hereby amended by inserting between the eighth and ninth lines of said section, a proviso in the following words, to wit: *Provided*, That the said common council shall not in any one year levy taxes and assessments to a greater amount than one hundred dollars without the consent of a majority of the electors at a regular meeting of such electors duly called and notified for that purpose, which consent shall be expressed by a vote of such electors, to be taken viva voce or otherwise, as such electors may determine.

Approved March 7, 1843.

## [No. 55.]

AN ACT to amend an act entitled "an act to amend an act entitled an act to incorporate the village of Ypsilanti," and the act or acts amendatory thereof.

Charter of vil-  
lage Ypsilanti  
amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That an act entitled an act to amend an act entitled an act to incorporate the village of Ypsilanti and the act or acts amendatory thereof, be and the same is hereby so amended that, in the absence, death or removal of either of the assessors of said village or from other cause, a vacancy shall occur in the office of assessor in either ward of said village, or upon the refusal of

either of the assessors aforesaid, to perform the duties of said office, it shall and may be lawful for the assessor of the other ward of said village, to do and perform all the duties by said act required to be done and performed, by one or both, the assessors of said village.

SEC. 2. That the village of Ypsilanti, shall have power to lay out and regulate all grave yards owned by said village, wherever the same may be situated. Power to lay out grave yds.

SEC. 3. That the said village is hereby permitted to use any yard owned and used by the township of Ypsilanti, for the purpose of impounding of cattle, horses, sheep, and swine, and that cattle, sheep, and swine running at large in said village, contrary to the by-laws of said village, may be taken from said village and impounded in any such yards, having first obtained the assent of the township board thereof. May use any yard in township to impound cattle.

SEC. 4. That from and after the first day of April, in the year one thousand eight hundred and forty-four, the first ward of said village of Ypsilanti, shall be set off and be dissolved, so that the said village shall be bounded on the east by the Huron river, and that the officers required by law to be elected in the first ward of said village, shall be elected in the second ward from and after the time aforesaid. 1st ward dissolved Ap. 1st 1844.

SEC. 5. That said incorporated village of Ypsilanti shall not incur any further indebtedness, other than that which now exists involving the liability of the first ward of said village.

SEC. 6. This act shall take effect from and after its passage.

Approved March 7, 1843.

[No. 56.]

**AN ACT to amend an act entitled "an act to amend an act entitled an act to incorporate the village of Adrian."**

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That section thirteen of the act to which this is amendatory, be amended by adding after the word*

Charter of the  
village Adrian  
amended.]

"quart" in the seventeenth line thereof, the following proviso: "*Provided*, That the said common council shall have power to fix and determine the sum to be paid by the applicant for such last mentioned license, which sum shall not be less than twenty-five nor more than fifty dollars each, and shall be paid to the treasurer of said village for the use of said village." Also, that section twenty-two of said act be amended by inserting in line six, between the words "year" and "one," the words "one and," so that when amended, the proviso in said section will read; provided, that the said taxes so assessed and collected shall not exceed in any one year one and one half of one per centum upon the valuation of said real and personal property.

SEC. 2. That the highway leading from the said village northwardly, commonly known as the Bixby road, be and the same is hereby included within the bounds of said village as far as the north line of section thirty-five, in the town of Adrian, and that the highway commissioners of said town be and they are hereby empowered to call upon the street commissioners of said village, to keep said road in repair as in other cases provided by statute.

Approved March 7, 1843.

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[No. 57.]

AN ACT to repeal an act entitled "an act to organize a certain township in the county of Genesee," and certain acts amendatory thereto.

Certain act  
repealed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act entitled "an act to organize a certain township in the county of Genesee," and all acts and parts of acts amendatory thereto, be and the same are hereby repealed.

Part tp. Kears-  
ley attached  
to tp. of Flint.

SEC. 2. That all that part of township seven north, of range seven east, embraced within the limits of the present town of Kearsley, in the county of Genesee, be and the same is hereby attached

to the town of Flint as a part thereof; and all that part of town eight north, of range seven east, embraced within the limits of the said town of Kearsley, be and the same are hereby attached to the town of Genesee as a part thereof.

Sec. 3. That the term of office of the present township officers of the town of Kearsley, in the county of Genesee, shall determine on the day this act shall take effect, and it shall be the duty of every such officer, on the day when his term of office shall so determine, or immediately thereafter, to make over to the township officers of the town of Flint, all books of record, papers and money belonging to said town of Kearsley, agreeable to the law requiring the transmission of such records, papers and moneys to successors in office. And it shall be the further duty of all such officers to deliver to the county clerk of the county of Genesee, for the use of said county, all statutes and books in their possession, furnished them for their use as such officers. The township clerk of the town of Flint shall preserve and keep in his office the records and papers so delivered to him by the township clerk of the town of Kearsley, as a part of the records and papers of the township of Flint, and shall, as soon as may be after their receipt by him, make out and deliver to the township clerk of the town of Genesee, a fair copy thereof, to be kept in his office as a part of the records of the town of Genesee.

When the office of present town officers of town of Kearsley shall expire, & their duties on expiration of offices. Duties of town clerk of town of Genesee relative to certain books and papers.

Sec. 4. It shall be the duty of the treasurer of the county of Genesee to pay over to the proper officers of the town of Flint, in the county of Genesee, all moneys coming into the treasury of said county upon assessments heretofore levied upon the taxable property of that portion of the town of Kearsley which is by the second section of this act attached to the said town of Flint; and it shall be his duty to pay over in like manner such moneys to such officers of the town of Genesee, as shall come into his office upon assessments upon taxable property of that portion of such territory of the town of Kearsley as is by said second section of this act attached to said town of Genesee. And it shall be the duty of said township officers respectively on receiving such moneys aforesaid from such treasurer,

Moneys heretofore levied in that part of Kearsley att'd to Flint to be paid by treasurer of county to the proper officer of the town of Flint. Also, to pay over in like manner such moneys to proper officers of town of Genesee as were assessed in that part of Kearsley att'd to Genesee. &c.

or from any township officer of the town of Kearsley, to apply the same to the specified objects and purposes within such territory, for which it was assessed.

SEC. 5. This act shall take effect and be in force from and after the first day of April next.

Approved March 7, 1943.

[No. 58.]

AN ACT to amend an act entitled "an act appointing commissioners to lay out a certain road in the county of Wayne," approved March seventeenth, eighteen hundred and thirty-seven.

Commissioners authorized to make a change in direction of the road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That an act entitled an act appointing commissioners to lay out and establish certain state roads, approved March seventeenth, one thousand eight hundred and thirty-seven, be amended by striking out the word "twenty," and inserting "fifty" in the first line of section eighteen in the above named act, so as to read as follows:

The fifty-sixth section of the act entitled an act appointing commissioners to lay out and establish certain state roads approved twenty sixth of July, eighteen hundred and thirty-six, be so amended that it shall be competent for the commissioners named in said section, and they are hereby authorized to change the direction of the road authorized in the said section to be laid out and established in such manner as may appear to them best calculated to suit the convenience of the inhabitants residing in that part of the county of Wayne.

All acts valid.

SEC. 2. That all the acts and doings had by the commissioners named in said act in laying out said road, shall be and the same are



herby declared as valid, as though this act had passed before such acts and doings were had by said commissioners.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 7, 1843.

[No. 59.]

AN ACT to authorize the minor heirs of the late John Whipple, deceased, to release their claim to a certain tract of land.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William L. Whipple, Eliza S. Whipple, Margaret Whipple and Catharine Whipple, minor children and heirs of the late John Whipple, deceased, be and they are hereby authorized and empowered under the direction and supervision, and subject to the control and approval of the Judge of Probate for the county of Wayne, to release and convey by deed under their hands and seals, to Ephraim Davis of Redford, in said county, all their legal interest and estate, in and to the following described lands; to wit: the undivided west half of the north east quarter of section twenty-eight, in township one, south of range ten east.

Minor children of John Whipple dec'd empowered to convey their interest in certain lands.

SEC. 2. This act shall take effect immediately.

Approved March 7, 1843.

[No. 60.]

AN ACT to reduce the salary of the Superintendent of Public Instruction.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the superintendent of public in-

Salary of supt of construction shall hereafter receive an annual salary of five hundred dollars, to be paid quarter yearly, out of any moneys in the treasury not otherwise appropriated.

SEC. 2. And that all acts and parts of acts requiring said officer to give bonds, be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after the first day of June next.

Approved March 8, 1843.

[No. 61.]

AN ACT relative to the claim of John Van Fossen.

Claim of Van Fossen referred.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the claim of John Van Fossen for lumber alleged to have been furnished to the state for the construction of the central rail-road be referred to the auditor general, state treasurer and attorney general, and they are hereby authorized and directed to make a just and equitable settlement of the same, and in case they shall award any sum to the said complainant, they shall give him a certificate of the amount so awarded, after deducting such amount, if any, as may be found due the state from said John Van Fossen, as late acting commissioner of internal improvement, or otherwise.

How to be paid.

SEC. 2. The amount specified in such certificate shall be paid by the state treasurer on the warrant of the auditor general, in the manner hereinafter provided, and if no sum shall be awarded to said Van Fossen, then to pay him the amount of any judgment in his favor which shall be obtained in the suit commenced by the state against him, and now pending upon proper proof of such judgment, the payment to be made in either case out of any moneys in the treasury, to the credit of the general fund or internal improvement fund not otherwise appropriated: *Provided,* That no such payment shall be made unless

the said Van Fossen shall relinquish in writing, all further claim against the state, on account of the lumber aforesaid, and file such relinquishment with the state treasurer.

Approved March 8, 1843.

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[No. 62.]

**AN ACT to prevent the action of ejectment in certain cases.**

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That no action of ejectment shall hereafter be maintained by a mortgagee or his assigns or representatives, for the recovery of the mortgaged premises, until after a foreclosure of the mortgage, and the time for redemption thereof shall have expired.

No action of ejectment to be bro't in certain cases.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

Approved March 8, 1843.

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[No. 63.]

**AN ACT to authorize Randal S. Rice, as administrator on the estate of Nehemiah O. Sargent, deceased, to execute certain instruments in writing.**

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Randal S. Rice administrator on the estate of Nehemiah O. Sargent, deceased, be and he is hereby authorised and empowered to execute under seal in behalf of said estate such instrument or instruments in writing, as shall secure to Lucius Lyon, his heirs and assigns, on such terms as said adminis-

R. S. Rice, administrator &c. authoriz'd to execute certain instruments in writing to Lucius Lyon.

trator may deem equitable and just, the salt well and salt works, made and constructed or which may be made and constructed by said Lyon, against the operation and effect of any mortgage which the said estate may hold upon the undivided one half part of the land, at Grand Rapids, in the county of Kent, on which said well and works are situated: *Provided*, That every such instrument by way of release shall not be construed to impair the validity of any such existing mortgage security, or defeat its operation and effect upon any such real estate not included in such deed or release; and provided further, that to give such instrument of release force and validity, the approval of the Judge of Probate of the county of Kent, shall be endorsed thereon.

Approved March 8, 1843.

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[No. 64.]

AN ACT to amend an act relative to the costs of prosecution in criminal cases.

If prisoner be discharged &c prosecutor to pay costs.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section first of an act entitled an act relative to the costs of prosecution in criminal cases, and approved March the sixth, eighteen hundred and forty, be and the same is hereby amended by adding an additional clause, so that the same shall read, "And if the defendant or prisoner be discharged on examination by such magistrate, or if a true bill be not found against him by the grand jury, or if he be acquitted on trial, or if a nolle-prosequi be entered on the indictment by order of the court, before which it may be pending, the prosecutor shall pay all costs, &c."

Also, by adding the following proviso to the end of said section, "And provided further, that the said prosecutor shall not be liable to

pay costs upon the acquittal of the defendant or prisoner on trial, unless the presiding judge shall certify upon such indictment that in his opinion such payment is equitable.

If prisoner be acquitted on trial prosecutor not to pay costs unless judge certifies it to be just.

Approved March 8, 1843.

[No. 65.]

AN ACT to establish district courts in the counties of Wayne, Oakland, Washtenaw, and Jackson, and to repeal an act entitled "an act to establish a district court within the county of Wayne."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there shall be established in the counties of Wayne, Oakland, Washtenaw and Jackson, courts of record, to be called "the district courts for the counties of Wayne, Oakland, Washtenaw and Jackson."

District court established in certain counties.

SEC. 2. That the Governor, by and with the advice and consent of the Senate, shall appoint some person to be presiding judge of the said courts, who shall hold his office for the term of five years, and the associate judges of the circuit courts of the said counties respectively, shall be associate judges for the respective counties in which they have been or shall be elected, and any two of them in their respective counties aforesaid shall be a quorum for the transaction of the business of the said courts: *Provided*, that in case of the absence of the said associate judges the said presiding judge may hold the courts in the counties mentioned in this act.

Presiding judge thereof to be appointed by Governor & Senate. Associate judges of certain counties to be associate judges of district court.

SEC. 3. The said district courts shall have cognizance of all crimes, misdemeanors and offences committed against the laws of this state, and of all prosecutions in the name of the people of the state for crimes, misdemeanors, offences and penalties, in as full and ample a manner as the circuit courts for the counties of Oakland,

Jurisdiction of said court.

Washtenaw and Jackson, and the district court of the county of Wayne now have.

Terms of said court to be appointed by presiding judge.

SEC. 4. The presiding judge of said courts shall, four times in each year, hold a court in the county of Wayne, and twice in each year in the counties of Oakland, Washtenaw and Jackson, at such times as he shall appoint within thirty days after the passage of this act, for the transaction of business before it.

County clerks of certain counties to be clerks of said court.

SEC. 5. That the county clerks of the respective counties of Wayne, Oakland, Washtenaw and Jackson, shall be the clerks of said district courts in their respective counties, and shall issue, sign and seal all processes from the district courts in their respective counties, which shall be tested in the name of the presiding judge of the said district courts, and the said clerks may use their county seals until they shall procure a seal for said district courts for their respective counties, and shall have the same power to administer oaths as the clerks of the circuit court by law now have.

Power and authority of said court.

SEC. 6. That the said district courts shall have full power and authority to issue all legal process proper and necessary to carry into effect the jurisdiction given to it by law, and all the laws of this state giving jurisdiction, power and authority in the respective circuit courts, relating to penalties or touching offences against the laws of this state, or giving jurisdiction, power or authority to hear, try and determine indictments for offences against the laws of this state, shall be and they are hereby made applicable to the said district courts for the counties of Wayne, Oakland, Washtenaw and Jackson, hereby established.

Clerks to issue venuries, &c.

SEC. 7. That the said clerks shall issue venuries for grand jurors and petit jurors to attend said district courts in their respective counties at the respective terms thereof, in the manner prescribed by chapter five, title two and part three of the revised statutes for jurors to attend the circuit court, and the said chapter is hereby made applicable to the said district courts, as fully as it is to the said circuit courts: *Provided*, that the venirie or other process for summoning

petit jurors shall be made returnable on such day in term as the presiding judge may, by rule, from time to time direct.

Sec. 8. That no venire shall be issued for a grand jury to attend the circuit court in said counties of Wayne, Oakland, Washtenaw and Jackson, unless by the special order of said circuit court.

No venire to be issued in the circuit court in certain counties.

Sec. 9. That the presiding judge of said district courts, hereby established, shall be entitled to a compensation of one thousand dollars, to be paid in quarterly instalments from the treasury of the state, and the associate judges of said courts while in actual session, shall receive one dollar and fifty cents per day for their services, and shall be paid out of the county treasuries of their respective counties.

Compensation of pres'g judge and associate judges.

Sec. 10. That the said presiding judge shall have the same power and authority to grant writs of habeas corpus, returnable before himself, and to adjudicate thereon, and to do all other acts in vacation which any judge of the circuit court may by law do or perform.

Power of presiding judge to grant certain writs.

Sec. 11. That all indictments now pending, undetermined in the district court within the county of Wayne, or in the circuit courts of said counties, may be heard, tried and determined in the district courts hereby established, and the clerks shall enter said causes on the docket of the district courts for their respective counties at its first term, and the same may be proceeded in, in the same manner as though the same were originally presented in said district court.

Indictments in certain courts transferred to district court for trial.

Sec. 12. In all cases, complaints and proceedings before justices of the peace or others, heretofore or hereafter to be had, the recognizance and all papers appertaining to such causes, complaints or proceedings heretofore returnable to or required to be presented in circuit courts for said counties, of which jurisdiction is by this act given to said district courts or the district court within the county of Wayne, shall hereafter be returnable to, and be presented in, and proceeded with in said district courts in their respective counties, and the parties, by the condition of all such recognizances, shall be obliged and bound to be and appear in said district courts as they have heretofore in said circuit courts for said counties, and all such recognizances taken between the time of passing this act and the next

All complaints &c, in certain counties returnable to the district courts of said counties.

term of said district courts, shall be deemed to be returnable at said next term of said district courts for said counties, and to be proceeded with accordingly.

Proceedings of said court may be removed to sup. court.

SEC. 13. That the proceedings of said district courts, at any time before or after sentence, or final judgment of any cause, may be removed to the supreme court by writ of error or other process, in the same manner that proceedings in criminal cases may now by law be removed to the supreme court from the circuit courts, and the supreme courts shall proceed to adjudicate thereon in the same manner as in cases removed from the circuit court.

Power to make rules.

SEC. 14. The said district courts shall have power to make rules for regulating the practice and conducting the business thereof, in all cases not expressly provided for by law, and to revise and alter the same from time to time as they shall deem proper.

SEC. 15. That the act entitled "an act to establish a district court in the county of Wayne," approved February twenty-seventh, eighteen hundred and forty, be, and the same is hereby repealed.

Approved March 9, 1843.

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[No. 66.]

AN ACT to authorize the building of a bridge across Grand River in the county of Kent.

Supervisors of Kent county authorized to levy tax of \$1000 to aid in building bridge across Grand river.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the supervisors of the county of Kent are hereby authorized, at their first session in the year eighteen hundred and forty-three, to appropriate and cause the same to be assessed and levied upon the whole taxable property of the said county, the sum of one thousand dollars, for the purpose of aiding in the construction of a bridge across Grand river, near its junction with the Thorn Apple river in said county.



**SEC. 2.** The commissioners of highways for the townships of Ada and Vergennes, in said county, are hereby authorized and required to appropriate and pay out all the moneys derivable from non-resident highway taxes, and which may be due the said townships respectively, for the year eighteen hundred and forty-two; for the purpose of aiding in the construction of the said bridge.

Non-resident highway taxes in Ada and Vergennes to be appropriated to building said bridge.

**SEC. 3.** The board of supervisors of the county are empowered to locate and determine the place where said bridge shall be constructed, and the said board shall appoint a competent agent to superintend the construction of the same.

Supervisor to locate same & appoint agent.

**SEC. 4.** The board of supervisors are hereby authorized and empowered to contract with some person or persons, for building the said bridge, after having advertised to receive proposals for the construction thereof, according to certain specifications and descriptions of the same, to be in writing and deposited for inspection in the office of the county clerk.

Authorized to contract with some person to build said bridge.

**SEC. 5.** All laws contravening the provisions of this act be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved March 8, 1843.

[No. 67.]

# AN ACT to change the names of certain counties:

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the name of the county of Aishem, as now organized by law, be and the same is hereby changed to that of Lake.

**SEC. 2.** The name of the county of Notipekago, as now organized by law, is hereby changed to that of Mason.

Mason.

- Osceola.**      **SEC. 3.** The name of the county of Unwattin, as now organized by law, is hereby changed to that of Osceola.
- Wexford.**      **SEC. 4.** The name of the county of Rautawaubet, as now organized by law, is hereby changed to that of Wexford.
- Roscommon.**      **SEC. 5.** The name of the county of Mikenauk, as now organized by law, is hereby changed to that of Roscommon.
- Iosco.**      **SEC. 6.** The name of the county of Ranotin, as now organized by law, is hereby changed to that of Iosco.
- Alcona.**      **SEC. 7.** The name of the county of Negwegon, as now organized by law, is hereby changed to that of Alcona.
- Crawford.**      **SEC. 8.** The name of the county of Shawono, as now organized by law, is hereby changed to that of Crawford.
- Kalasca.**      **SEC. 9.** The name of the county of Wabassee, as now organized by law, is hereby changed to that of Kalasca.
- Antim.**      **SEC. 10.** The name of the county of Meegeesee, as now organized by law, is hereby changed to that of Antim.
- Otsego.**      **SEC. 11.** The name of the county of Okkuddo, as now organized by law, is hereby changed to that of Otsego.
- Montmorency.**      **SEC. 12.** The name of the county of Cheonoquet, as now organized by law, is hereby changed to that of Montmorency.
- Alpena.**      **SEC. 13.** The name of the county of Anamickee, as now organized by law, is hereby changed to that of Alpena.
- Charlevoix.**      **SEC. 14.** The name of the county of Reshkanko, as now organized by law, is hereby changed to that of Charlevoix.
- Emmet.**      **SEC. 15.** The name of the county of Tonedagana, as now organized by law, is hereby changed to that of Emmet.
- Clare.**      **SEC. 16.** The name of the county of Raykakee, as now organized by law, is hereby changed to that of Clare.
- SEC. 17.** This act shall take effect and be in force from and after its passage.

**Approved March 8, 1848.**

[No. 68.]

**AN ACT for the relief of Curtis Boughton.**

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the commissioner of the land office be and he is hereby authorized and required, to cause to be issued to Curtis Boughton, his heirs or assigns, a certificate of purchase of lot number five in section twenty-six, town four, south range nineteen, west, containing five acres, according to a map of the subdivisions of said section twenty-six, registered at the register's office in the county of Berrien, on payment to him by the said Curtis Boughton, his heirs or assigns of the sum of sixty dollars.

Commissioner to issue certificate to Boughton for certain lot of land.

**SEC. 2.** The said commissioner is hereby further directed to cause to be cancelled the obligations heretofore given by said Curtis Boughton or any other person in his behalf to the superintendent of public instruction of this state for the purchase of the lot in the first section of this act described.

Certain obligations to be cancelled.

Approved March 8, 1843.

[No. 69.]

**AN ACT to define the power of the supreme court relative to mandamus.**

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the supreme court be, and they are hereby authorized, for good cause shown, to issue writs of mandamus to the circuit courts of the several counties to compel the issue of *venire facias de novo* by said circuit courts.

Supreme court to issue mandamus.

Approved March 8, 1843.

[No. 70.]

**AN ACT to alter the corporate limits of the village of Niles.**Village of  
Niles.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That so much of any act or acts heretofore passed as includes within the corporate limits of the village of Niles, the lots laid out on the northwest quarter of section thirty-six, in town seven south, range seventeen west, by Alvin J. Dunbar, John S. Sotwin, and Jonathan Brown, be and the same are hereby repealed.

Approved March 8, 1843.

[No. 71.]

**AN ACT making the record of conviction filed in the State Prison office, evidence in certain cases.**When record  
of conviction  
of prisoner in  
state prison  
evidence.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the record of conviction and sentence to the states prison of any criminals, duly authenticated by the clerk of the court where such conviction and sentence was had, and filed in the states prison office, shall be evidence of the facts therein contained against any convict on his trial for an escape from said prison, or for any other crime when proof of his conviction and sentence is necessary.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

Approved March 8, 1843.

[No. 72.]

**AN ACT** to authorize the Farmers and Mechanics Bank of Michigan to have an agency at Niles, in Berrien county.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That it shall be deemed lawful for the Farmers' and Mechanics' Bank of Michigan, to have an agency at Niles, in Berrien county, for the purpose of redeeming their notes and making discounts: *Provided* the agency hereby authorized shall be subject to all the restrictions and requirements imposed in the charter of the Farmers' and Mechanics' Bank of Michigan, and the branch at St. Joseph, and the said bank and branch shall be responsible for all the debts of the said agency, and for the official conduct of its officers; and the said agency shall not make or issue any notes or other evidences of debt of its own.

Farmers and Mechanics' bank may establish an agency at Niles.

**SEC. 2.** The said Farmers' and Mechanics' Bank, its branch at St. Joseph, and the agency hereby authorized at Niles, shall be subject to all laws providing for an examination by the attorney general into their condition and affairs, as contemplated by the act entitled "an act to abolish the office of bank commissioners and for other purposes," approved March twenty-fifth, eighteen hundred and forty, and the establishment of said agency shall be considered as an assent of said Farmers' and Mechanics' bank and branch to submit to such examination as provided in the act aforesaid.

Agency subject to certain laws.

**SEC. 3.** This act shall be in force from and after the fifteenth day of May next, provided the stockholders of said bank at a meeting called for that purpose, shall assent to the provisions of this act.

Approved March 8, 1843.

[No. 73.]

**AN ACT to liquidate the public debt, and to provide for the payment of the interest thereon, and for other purposes.**

Whereas, the interest is in arrear, and unpaid on certain bonds, issued by the State, for part of the five million loan, so called, which bonds the state has received the full consideration for, and is legally and equitably bound to provide for the payment of the principal and interest thereof, according to the terms of said bonds respectively, and which bonds are specified in the first section of this act; and whereas, the holders of said bonds have expressed a willingness to receive the bonds of the state, in payment of the interest which has accrued thereon, and which may accrue thereon up to the first day of July, which will be in the year eighteen hundred and forty-five, and to surrender the coupons attached to said bonds up to the said first day of July, eighteen hundred and forty-five: therefore,

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the Governor be and is hereby authorized to issue and deliver on the surrender of the coupons for the corresponding period, the bonds of the state for the interest which has accrued on the bonds hereafter specified in this section, since the first day of July, in the year eighteen hundred and forty-one, and the interest that will accrue up to the first of July, eighteen hundred and forty-five, and interest on such interest after the same became due, and which shall become due and payable hereafter agreeable to the stipulation for the payment of interest on the bonds of this state issued as a part of the five million loan up to the first day of July, in the year eighteen hundred and forty-five, to the holders for the time being, of any of the following bonds, issued for part of the five million loan, so called, that is to say—bonds for the sum of one thousand dollars each, numbers one hundred and one to one hundred and eighty-eight, (101 to 188,) inclusive—four hundred and ninety-six to five hundred, (496 to 500,) inclusive—five hundred and fifty-two

Governor authorized to issue bonds in certain cases.

and five hundred and fifty-three, (552 and 553,) six hundred and one to eight hundred, (601 to 800,) inclusive—and bonds for the sum of three thousand dollars each, numbers one to three hundred fifty six, each, (1 to 356) inclusive—three hundred and ninety-nine and four hundred, (399 and 400,) four hundred and thirty-four to four hundred and thirty-nine, (434 to 439,) inclusive—being in all, two hundred and ninety-five bonds of the denomination of one thousand dollars each, and three hundred and sixty-four bonds of the denomination of three thousand dollars each, amounting in all to the principal sum of one million three hundred and eighty-seven thousand dollars, (1,387,000,) which said bonds for the interest shall be in the same form as the bonds heretofore issued for said loan, and shall be made payable on the first day of January, which will be in the year one thousand eight hundred and fifty, with interest thereon at the rate of six per centum per annum from and after the first day of July, one thousand eight hundred and forty-five, to be paid semi-annually, on the first days of July and January, in each year, at such place in the city of New York as the Governor shall designate, and for the payment of which bonds according to the terms thereof, the faith of the state is hereby pledged.

Sec. 2. For the payment of interest accruing after the first of July, eighteen hundred and forty-five, on the bonds specified in the first section of this act, and on the bonds which may be issued under the sixth section of this act, the net proceeds of all the public works of the state, shall be and they are hereby pledged, except so far as the same have been, or may be, appropriated by law, for the completion of the Central and Southern railroads to Marshall and Hillsdale, and so far as the same may be necessary for the purchase of locomotive engines, cars for said road, &c., for the redemption of state scrip now outstanding with interest thereon; and also for the payment of interest on warrants heretofore drawn on the internal improvement fund

For payment of interest net proceeds of all public works pledged with exceptions.

Sec. 3. The bonds which may be issued for the interest accord-

Bonds issued for interest receivable in payment for certain public lands, after 1st July, 1845.

ing to any provision in this act contained, shall be receivable in payment for the public lands of the state, University and school lands excepted. *Provided*, this section shall not go into effect before the first day of July A. D: eighteen hundred and forty-five.

In case of deficiency arising from proceeds of public works, the same to be paid out of the state treasury, and in case there is no money in treas. the same to be levied and collected by tax.

SEC. 4. In case of any deficiency arising from the proceeds of the public works, to pay the interest on the bonds specified in the first section of this act, as the same shall become due and payable, or on the bonds which may be issued under the sixth section of this act, after the first day of July; eighteen hundred and forty-five, the same shall be made up out of any monies in the treasury not otherwise appropriated, and if there be no money in the treasury when such deficiency is ascertained, which may be used for such purpose, then the same shall be provided for by tax as hereinafter provided.

Auditor general to transmit to proper authorities of each county the amt to be assessed by them, &c.

SEC. 5. Upon ascertaining such deficiency, the auditor general shall do, and he is hereby authorized and required to transmit the amount to be assessed in each county to the proper authorities of such county, and the same shall be by them assessed, levied, collected and returned in the same manner as other state taxes are levied, collected and returned.

And whereas a large amount of the bonds of this state, issued under the act authorizing said loan, were delivered to the United States Bank, and Morris Canal and Banking Company, in pursuance of a contract of sale made with them in the month of November, eighteen hundred and thirty-eight, which they neglected to fulfil, and upon which they advanced to this state only a small portion of the amount of said bonds, which said bonds it is understood the said bank has hypothecated as security for money borrowed by them, and the same remains outstanding; and whereas the said bank is bound to surrender the whole of said bonds to the state, to be cancelled on the liquidation of the amount actually due, and it is desirable that the same may be settled as speedily as practicable: therefore be it further enacted,

SEC. 6. That whenever the whole of said last mentioned bonds shall be surrendered to the state to be cancelled, the governor shall



and he is hereby authorized to execute and deliver to the holders thereof, the bonds of this state for the money which has been actually received from the United States Bank upon the said bonds, subject however, to the deductions specified in the act relating to said bonds, passed seventeenth February, eighteen hundred and forty-two, and the proclamation of the governor, reference being thereto had : which said bonds so to be given, shall be in the same form as the original bonds issued for the five million loan, so called, and made payable at the same time and in the same manner; and for the interest which shall have accrued upon the amount thus ascertained to be due up to the first day of July, in the year eighteen hundred and forty-five, the bonds of this state shall be issued and delivered to the person or persons entitled to receive the same, in the same form and payable in the same manner as the bonds which may have been issued for the interest on the bonds specified in the first section of this act, and the bonds hereby authorized to be issued both for principal and interest shall be placed on the same footing precisely, and in every respect as the said bonds specified in the first section of this act, and the interest thereon shall be paid in the same manner.

When bonds held or hypothecated by U. S. bank shall be returned—governor authorized to issue new bonds for the amt of money the state has rec'd.

The bonds to be thus issued plac'd on same footing as bonds to be issued under the 1st section of this act.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 8, 1843.

### [No. 74.]

**AN ACT** providing for the final adjustment of all unsettled claims for damages growing out of the Internal Improvements of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the board of state auditors shall, within sixty days after the passage of this act, cause public notice to

Board of auditors to give public notice to all persons claiming damages on acct of public works to present their claims—when claimant shall be barred.

be given by newspaper publication, for not less than eight successive weeks, to all persons claiming damages of the state on account of, or in any way arising from, the construction of works of internal improvement prior to the first day of April, eighteen hundred and forty-two, to appear before said board at such time and place in the city of Detroit as shall be designated in such notice, to prosecute their several claims to final determination and adjustment, and every claimant for such damages who shall not so appear before the first day of October next (eighteen hundred and forty-three,) and so prosecute his claim, shall ever thereafter, be barred from any recovery thereon.

Board invested with full authority to examine witnesses and determine finally all matters submitted to them.

SEC. 2. The said board of auditors are hereby invested with full authority, and it shall be their duty, to meet at the time and place specified in the published notice above required, and to sit together as a legal body, to swear and examine witnesses, take testimony, and to enquire fully into and determine finally all matters submitted to them, touching any and all claims which may come before them by virtue of this act, and submit their report of their proceedings to the next legislature.

When claimant entitled to receive certificate and what the same shall contain and when to be filed—auditor general to draw his warrant in favor of claimant.

SEC. 3. Whenever said board shall, after such investigation into the merits of any claim, come to a decision thereon, the claimant shall be entitled to receive a certificate subscribed by said board, setting forth the substance of said decision, a duplicate copy of which shall be filed by said board in the office of the auditor general, and if said decision shall contain any award of damages in favor of the claimant, the said certificate shall be a sufficient voucher to authorize the auditor general to draw his warrant in favor of the claimant on the treasurer for the amount of such award, payable out of the internal improvement fund, and every decision when made and certified to as aforesaid, shall be and forever remain final and conclusive in such matter.

SEC. 4. In cases in which the claim for damages arose in a part of the state remote from the seat of government, and the board of auditors shall deem it to be for the interest of the state so to do, it shall be competent for such board to designate one of its members

who shall proceed as soon as may be to the place where said claim arose, and examine into the merits of the whole matter, in manner and as fully as said board are authorized to, and report the result of his investigation to the board for final decision; and in all such cases, the individual member of said board so required to take testimony, shall be entitled to receive from the auditor general, on the certificate of the board, a warrant on the treasury, payable out of the general fund, for the amount of his actual travelling expenses, and all necessary expenses of obtaining such testimony as was relevant to such matter.

Board authorized to designate one of their members in certain cases to proceed to place where claim arose & examine into merits of the claim, &c.

Sec. 5. All acts and parts of acts contravening any of the provisions of this act are hereby repealed.

Approved March 8, 1843.

[No. 75.]

AN ACT to provide for the transfer of real estate on execution, and on mortgage sales.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That no lands, tenements, or real estate, shall be advertised or sold, by any sheriff or other officer, upon any execution or other process, from any court of law or equity, except as hereinafter provided.

&c. shall be adv'd and sold except as hereinafter provided.

SEC. 2. The sheriff or other other officer, receiving any such execution or other process, if personal estate sufficient to pay the same, with costs and charges, cannot be found, or shall not be tendered by the debtor to be taken thereon, shall, if directed by the creditor or his attorney, proceed to levy such execution or other process, on the lands, tenements, or real estate of the debtor, holden in his own right, and subject to all prior existing liens, and the same shall be appraised by three disinterested freeholders of the town and county where the lands lie, one of whom shall be appointed by the creditor,

Sheriff to levy on lands &c: if directed lands to be apprais'd

Appraisers  
how chosen &  
sworn—duties  
—shall make  
an estimate in  
writing and  
deliver same  
to the officer,  
thereby setting  
out by metes  
and bounds  
certain portion  
of said lands to  
creditor.

and another by the debtor, and if they do not agree in appointing a third, or if either party neglect to appoint, then the sheriff or other officer holding the process shall appoint one or more of the appraisers, as the case may require, which appraisers, being sworn by said officer, according to the forms of law, honestly, fairly and impartially to appraise the lands, tenements, and real estate shown to them in that behalf, at the true value thereof, at the time of making such appraisal, having reference to prior existing liens, and the defendant's interest therein, shall make an estimate of such lands, tenements and real estate, according to their true value, in writing, under their hands, or any two of them, and the same deliver to said officer therein and thereby setting out to said creditor by metes and bounds, so much thereof as may be sufficient, at two thirds its appraised value, to pay the amount of the execution or other process, and the lawful charges thereon, if sufficient, if not, so much as there may be, to be endorsed in part payment of the execution or other process, according to two thirds its appraised value aforesaid.

If appraisers  
cannot agree  
not to receive  
pay.

SEC. 3. In case no two of the appraisers can agree none of them shall be entitled to compensation, and other appraisers may be chosen and sworn as aforesaid, as often as such disagreement shall occur, until an appraisal shall be made.

Sheriff within  
ten days after  
acceptance by  
creditor to re-  
turn execution  
with accept-  
ance annexed  
to clerk of the  
court—officer  
to execute  
deed and de-  
posit it in ten  
days with re-  
gister:—If  
premises re-  
deemed deed  
to be destroy'd  
&c.

SEC. 4. If the creditor shall agree, by a stipulation to be annexed to said appraisalment, within ten days thereafter, to accept such lands, tenements and real estate, at two-thirds of such appraised value or any greater amount, as payment in whole or in part, on such execution or process, it shall be the duty of the sheriff or other officer, within ten days after such acceptance, to return the execution with the levy endorsed, and the appraisal and acceptance annexed, into the office of the clerk of the court whence it is issued, there to be kept on file; and said officer shall thereupon execute to the purchaser or purchasers, a deed of the real estate set off, and acknowledge the same, which deed shall be deposited within ten days by said officer in the register's office of the proper county, and the same shall be kept in trust for the purchaser or purchasers, and be deliver-

ed to him or them after the same becomes operative, unless redeemed as hereinafter provided; and if the premises therein mentioned be redeemed, the same shall be destroyed by the register, and if any particular lot described therein be redeemed, the register shall erase the same from said deed, and as to such lot said deed shall be void.

SEC. 5. In case the creditor or his attorney shall not, within the time above limited, consent to accept such lands, tenements and real estate, at two thirds the appraised value thereof, or any greater amount, in payment upon such execution or other process, as aforesaid, then such sheriff or other officer shall endorse a discharge of such levy upon such execution or other process; and the creditor shall pay all the costs of such levy and appraisal: *Provided*, that nothing herein contained shall be construed to invalidate said execution or the judgment on which the same was issued.

If creditor &c. do not accept, sheriff to endorse a discharge upon execution.

SEC. 6. The sheriff or other officer may in all cases require of the creditor the payment of a sum sufficient to cover the fees and charges of such levy and appraisal, before he proceeds to make a levy upon such execution or other process, and he shall pay to the appraisers, for their services, as soon as rendered, one dollar to each, for every day thus employed, and fifty cents for half a day, and five cents a mile travelling fee, for going only.

Sheriff or other officer may require creditor to advance fees.

SEC. 7. If the execution or other process shall be levied upon several parcels of real estate, the same shall be separately appraised and set off by the appraisers, and when the premises levied upon consist of a mill, mill privilege, manufactory, dwelling, shop, store, or other real estate which cannot, in their opinion, be divided without diminishing its entire value and the same shall exceed in value the amount of the execution, costs and charges, the appraisers shall set off such an undivided portion of the whole, as by two-thirds of their appraised value shall be equal to the debt and costs; and the portion thus appraised and set off, if accepted by the creditor, shall thereafter be held by him in common with the debtor; and in case of joint tenancy, or tenancy in common, the whole of the debtor's interest, or a moiety thereof equal to the debt and costs, may be thus set off,

Directions when execution or other process is levied upon several parcels, or a mill, &c.

Provisions of this act to apply to mortgages foreclosed in chancery or by advertisement.

Not to apply to certain mortgages heretofore executed and not release any premises from lien heretofore created, nor to extend to any proceedings as for contempt, &c.

Lawful for chancellor to decree a sale of premises.

Notice to be given in chancery foreclosures or by advertisement; how to pub., when, how long.

and if accepted by the creditor, the same shall thereafter be held by him, as a tenant in common with those holding interest therein : *Provided*, that in all cases where the property at two-thirds its appraisal amounts to a less sum than the execution and costs, the creditor may accept of the same for any larger sum, not exceeding such execution and costs.

SEC. 8. The provisions of this act shall be construed to apply to the foreclosure of mortgages in chancery, or by advertisement, in pursuance of a power of sale therein contained, and the officer having the final disposition of any real estate, in virtue of any chancery order or decree, or upon foreclosure by advertisement, shall, in all his proceedings, conform, as near as may be, to the provisions of this act: *Provided, however*, That this act shall not be construed to apply to mortgages heretofore executed, containing a covenant that the appraisal and transfer law hereby repealed should not apply, nor to mortgages hereafter to be executed containing a similar stipulation as to this law : *And provided further*, That this act shall not be so construed as to release any mortgaged premises from the lien created by said mortgage, nor shall it be construed as extending to any proceedings as for contempt to enforce civil remedies, nor to any action for fines and penalties, or on promises to marry, or for moneys collected by any public officer, or for any misconduct or neglect in office, or in any professional employment, or for any defalcation as executor, administrator, guardian, trustee, agent or attorney, or while acting in any other fiduciary capacity.

SEC. 9. In foreclosing mortgages in the court of chancery, it shall be lawful for the chancellor to decree a sale of the premises, and in all cases of foreclosure, whether in chancery or by advertisement, a sale of the mortgaged premises shall be had after the same shall have been appraised, as hereinafter directed : *Provided*, That in all cases the minimum bid, at such sale, for the premises, shall be two thirds of the appraised value of each distinct lot, tract of land, or premises as the same shall be appraised and offered for sale.

SEC. 10. In all chancery foreclosures, notice of the time and place of sale shall be published for six successive weeks, in the manner

hereinafter provided, and in foreclosing mortgages by advertisement the notice that the mortgage will be foreclosed by a sale of the mortgaged premises or some part thereof, shall be given by publishing the same for twelve successive weeks, in a newspaper printed in the county in which the premises to be sold are situated. If there be no newspaper printed in the county where such premises or any part thereof, are situate, such notice shall be printed in a paper printed in a county nearest to the county in which the premises are situate, and also by posting up the same printed or in writing, in two public places in the township or townships where the premises are situate.

Defend'nt may redeem in one year.

SEC. 11. The defendant in execution, or mortgagor, or any person lawfully claiming from or under him, except in cases of mortgages foreclosed in chancery, may at any time within one year from the date of said appraisal, redeem such estate thus appraised and transferred, or any distinct lot or tract thereof, that may have been separately appraised: *Provided*, That the person so redeeming, shall pay to the plaintiff or mortgagee, his executors, administrators or assigns, or to the sheriff or other officer acting at such appraisal, the sum of money at which such real estate was accepted by the plaintiff or mortgagee, with interest at the rate of ten per cent per annum.

Every officer to exhaust the personal estate of principal debtor first.

SEC. 12. Every sheriff or other officer having an execution in his hands for collection, out of any lands, tenements or real estate, upon an affidavit being served upon him made by any co-defendant in such execution, his agent or attorney, showing the principal debtor therein, shall first exhaust all the personal and real estate of said principal debtor, which may be turned out by any one of the defendants, before resorting to the property of any other defendant, being security on the original demand.

Act Feb. 17th 1842 providing for transfer of real estate repealed.

SEC. 13. The act entitled "an act to provide for the transfer of real estate on execution, and for other purposes:" approved February seventeenth, eighteen hundred and forty-two, is hereby repealed: *Provided*, that nothing here in contained shall be construed to affect the validity of any proceedings hereto-

fore commenced under the act hereby repealed, where such proceedings have already advanced to an appraisal and acceptance by the creditor, or to arrest the completion of such proceedings thereunder or to impair any right that may have become vested pursuant to the provisions of said act hereby repealed, but the same shall be completed according to the provisions of that act.

Sec. 14. This act shall take effect and be in force from and after its passage, except in the counties of Mackinac and Chippewa, and in those counties it shall be in force and take effect from and after the fourth day of July next.

Approved March 8, 1843.

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[No. 76.]

AN ACT to amend an act entitled "an act to establish district courts in the counties of Wayne, Oakland, Washtenaw and Jackson," and to repeal an act entitled "an act to establish a district court within the county of Wayne."

When said act  
to take effect.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That the act entitled "an act to establish district courts within the counties of Wayne, Oakland, Washtenaw and Jackson," and to repeal an act entitled "an act to establish a district court within the county of Wayne," shall take effect from and after its passage.*

Sec. 3. This act shall take effect from and after its passage.

Approved March 9, 1843.



## [No. 77.]

**AN ACT** to authorize the erection of a toll gate and for keeping in repair the Detroit and Saginaw road, and for other purposes.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there shall be erected and established on the road leading from the city of Detroit, in the county of Wayne, to Saginaw, one toll gate, to be located on the line above the corporation of said city, on or near the site of the ~~old toll gate~~ <sup>Toll gate to be established.</sup> on said road.

**SEC. 2.** It shall be and is hereby made the duty of the Governor to appoint one superintendent, who shall hold his office for one year and until his successor is appointed, whose term of office shall commence from and after the thirtieth day of April, and terminate on the last day of April thereafter. It is hereby made the duty of the <sup>Superintendent to be appointed.</sup> superintendent to cause to be put in good repair the said road from the corporation line of the city of Detroit to John Davis' tavern in the town of Royal Oak, as soon as the same can be done by the collection of tolls collected at the gate on said road, and it is hereby made the duty of the said superintendent to cause to be erected on or before the first day of May, eighteen hundred and forty-three, on the site mentioned in the first section of this act, a toll gate, and build or hire a suitable building for the collection of tolls: *Provided however,* That the gate only shall be erected until sufficient means shall accrue from the proceeds of said road, necessary for the erection of said building. It shall, and is hereby made the duty of the superintendent to appoint one collector of tolls, and pay such sum as he may deem just and reasonable, not exceeding one dollar per day, for his services, out of the moneys collected at the said toll gate. <sup>His duty.</sup>

**SEC. 3.** The superintendent is hereby authorized to make contracts by the year with any person or persons residing near said toll <sup>Authorized to make contracts.</sup> gate for the payment of such amount of tolls as he may deem just and reasonable.

To take an  
oath.

SEC. 4. The superintendent and collector, before entering upon the duties of their respective offices, shall severally take and subscribe an oath or affirmation, faithfully and honestly to discharge the duties of their respective offices, to be filed with the county treasurer in and for the county of Wayne, and also make and execute a bond to the said treasurer with two or more good and sufficient sureties to be approved by said treasurer, conditioned for the faithful performance of all and singular the duties required of them by this act.

When gate to  
be closed.

SEC. 5. The said gate shall be closed from the first day of May to the first day of November, in each year, and no longer, and the rates of toll shall be as follows:

Rates of toll.

1. For every carriage or wagon, drawn by two horses, mules or oxen,	12½ cents.
2. For every additional horse, mule or ox,	2 "
3. " " horse and rider,	3 "
4. " " horse or mule,	3 "
5. " " head of cattle,	1 "
6. " " score of sheep or hogs,	6½ "

To be posted  
up.

SEC. 6. The superintendent shall cause the rates of tolls to be placed in some conspicuous place on said road, or on said gate.

Persons liable  
to pay toll ex-  
cept when go-  
ing to church,  
&c.

SEC. 7. It shall be lawful for the collector of tolls, to stop and detain any person, riding, leading or driving any horse, cattle or sheep, or article named in section fifth of this act, as subject to pay tolls, until the same is paid: *Provided*, however, that nothing in this act shall be construed to entitle the said collector to demand or receive toll from any person or persons passing to or from public worship on the Sabbath, or going to or returning from funerals, or for any troops in the service of this state, or the United States, and from any person employed in the transportation of any and all property belonging to the United States, or of this state.

Penalty for  
passing gate  
without pay-  
ing toll.

SEC. 8. If any person liable to pay toll, for any of the articles specified in the fifth section of this act, shall forcibly or in any other manner pass the said toll gate, without paying the rates of toll speci-

fied in said section, he or they shall forfeit and pay to the superintendent, or collector of tolls, in the name of the superintendent, the sum of twenty-five dollars, to be recovered by either of them, in an action of trespass with costs of suit, before any court having competent jurisdiction, and the same applied for the benefit of said road.

SEC. 9. The collector of tolls shall keep a daily account of the moneys collected by him, in a book, to be provided him for that purpose, by the superintendent, and pay over to said superintendent all moneys in his hands on demand, and take his receipt therefor, and also keep an account of the money so paid to the superintendent, which book shall be subject to the inspection of any person wishing to examine the same.

Collector of  
tolls to keep  
account.

SEC. 10. It is hereby made the duty of the superintendent to apply all the moneys that come into his hands in repairing said road, except such amount as shall be paid to the collector of tolls, and what he is entitled to as superintendent by the provisions of this act, or the erection of toll gate and buildings, and also to keep a strict account of moneys paid by him to any person, and take their receipt for the same, and on or before the thirty-first day of December, in each year, present the books and all the vouchers to the county treasurer of the county of Wayne, for his examination and inspection.

Moneys to be  
applied in re-  
pairing said  
road, &c.

SEC. 11. It shall be the duty of the collector of tolls, on or before the thirty-first day of December in each year, to present all the accounts kept by him, together with the receipts of the superintendent, to the county treasurer of the county of Wayne, for his examination and inspection.

Collector to  
present his ac-  
counts &c. to  
treasurer of  
Wayne coun-  
ty.

SEC. 12. It shall and is hereby made the duty of the county treasurer of Wayne county, to receive and file the oath or affirmation of the superintendent, and collector of tolls, and also receive and approve each of their bonds, to examine all the accounts and vouchers held by them, and take a copy of the gross amount of receipts and expenditures of the said superintendent, and file the same

Duty of said  
treasurer.

in his office, with a certificate made and attached by him thereto, setting forth whether the said superintendent has or has not applied all of the receipts of said road, to the repairs of the same, except the amount paid the collector of tolls and what he is entitled to as superintendent by the provision of this act.

His duty after striking the balance of the account.

May sue for penalty.

SEC. 13. It is further made the duty of the county treasurer of Wayne county, after examining the books and vouchers of the superintendent, and collector, and striking the balance on the same, in case any money still remains in either of their hands, unexpended on said road, to demand and receive the same, and in case of the neglect or refusal of either of them to pay over to said treasurer any such moneys, it is hereby made the duty of said treasurer to sue for, and recover the same on the bonds held by him, with damages in double the amount of such money so withheld with cost of suit, before any court having competent jurisdiction, and such money when collected shall be paid to the superintendent next appointed to office.

Pay of superintendent.

SEC. 14. The superintendent shall be entitled to receive for all the time actually employed by him on said road, the sum of one dollar per day, as full compensation for his services, to be paid out of the proceeds of said road.

Approved March 8, 1843.

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[No. 78.]

**AN ACT** to amend an act entitled an act to amend an act entitled an act to incorporate the village of Marshall, and for other purposes, approved February 12, 1842.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the election of officers of said village, as contemplated by the third and fourth sections of the act to

which this is amendatory, shall, after the year one thousand eight hundred and forty-three, be held on the first Monday of March, instead of the first Monday in May, and the term of office of those that may be elected in the year eighteen hundred and forty-three shall expire on the first Monday of March, eighteen hundred and forty-four, and when others are elected and qualified.

Elections to be held on first Monday in March.

SEC. 2. The common council shall not, during any one year, levy a tax of more than one hundred dollars on the taxable property of said village, except for repairing and re-building bridges within the limits of said corporation, to defray the expenses thereof, or for any other purpose, without the consent of the taxable inhabitants of said village, at a meeting called for that purpose as hereafter provided: *Provided*, That this section shall not prohibit the assessment and collection of any highway tax contemplated in the act to which this is amendatory, for the making or repairing any streets, highways or bridges, within the limits of said corporation, but such taxes shall be assessed and collected as highway taxes are by law directed to be.

Common council not to levy a tax of over \$100.

SEC. 3. Whenever the common council shall deem it advisable to assess and collect more than one hundred dollars besides the highway tax, in any one year, they shall give public notice of such fact, which notice shall name the time and place of meeting of the taxable inhabitants of said village, and shall be published in a newspaper published therein at least three successive weeks immediately preceding the time named for holding said meeting, and shall state the amount intended to be assessed and for what purpose the same is to be expended.

To give public notice when over \$100 to be assessed, &c.

SEC. 4. If the taxable inhabitants, when assembled pursuant to such notice, shall by a vote direct that the sum proposed by the common council, or any smaller sum, shall be levied and assessed, it shall be the duty of the common council to assess and collect the same in the manner other taxes for necessary expenses are assessed and collected.

To collect a smaller sum if voted.

SEC. 5. The common council shall not hereafter grant any li-

License not to be granted under §25. cense to any person to retail any spiritous liquors to be drank in or about his buildings unless such person shall first pay for said license the sum of twenty-five dollars.

Approved March 8, 1843.

[No. 79.]

AN ACT making appropriations for the current expenses of the government for eighteen hundred and forty-three.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the following sums are hereby appropriated to be paid out of the general fund, for the purposes specified, viz..

For the salary of the governor, and the judges of the supreme court, and chancellor, fifteen hundred dollars each. For the salary of the secretary of state, auditor general, state treasurer, and commissioner of the land office, each one thousand dollars. For the salaries of the deputy secretary of state, three clerks for the auditor general, one clerk for the state treasurer, and one for the land office, those officers respectively certifying that such clerks are necessary, five hundred dollars a year each. For the salary of the superintendent of public instruction, five hundred dollars. For the salary of the attorney general, five hundred dollars. For the salary of the adjutant general, four hundred dollars. For the salary of the state geologist, one thousand dollars. For the salary of the state topographer, eight hundred dollars. For contingent expenses of the office of state topographer, and geologist, three hundred dollars. For drafting maps and copies of plats for the land office, and paper therefor, five hundred dollars, or so much thereof as may be necessary. Five hundred dollars or so much thereof as may be necessary, to pay

the remaining expenses of locating state lands, to be drawn on the governor's certificate. For contingent expenses, payable on the warrant of the governor, one thousand dollars. For the salary of the judge of the district courts, one thousand dollars.

Sec. 2. The salaries above specified shall be payable quarterly, Salaries to be paid quarterly. commencing at the date of the respective appointments of the incumbents, or at the same rates for fractional quarters.

Sec. 3. There is hereby appropriated in addition to the amount already appropriated, so much money to be paid out of the general fund, as may be necessary to pay the officers and members of the present legislature, the amounts due them, as fixed by law, and to pay in addition thereto, the messengers of the two houses each, a sum sufficient to make their per diem allowance, one dollar and fifty cents, and the firemen two dollars each, and ten cents a mile for travel; and such amount as may be necessary to pay the deputy commissioner of the land office, at the rate of five hundred dollars a year for so much time as he is actually employed, to be paid on the warrant of the auditor general.

Sec. 4. There shall be allowed to the members from Mackinac and Chippewa, each thirty days extra pay.

Sec. 5. There is hereby appropriated the sum of five hundred dollars, or so much thereof as may be necessary, to pay the private secretary of the governor and the assistant librarian, each three dollars a day, during the time they are in the service of the state, the former to be paid on the certificate of the governor, and the latter on that of the secretary of state; also the sum of fifteen dollars each, to Jas. E. Platt, secretary of the Senate, Chas. A. Mack, engrossing, enrolling, and recording clerk of the Senate, and William C. Pease, engrossing and enrolling clerk of the House of Representatives for extra services done and performed during the present session of the legislature.

Approved March 9, 1843.

[No. 80.]

**AN ACT to provide for the issuing and return of venuries, the payment of jurors, the appointment of Circuit Court Commissioners and for other purposes.**

Venuries to be returnable on such day in term as presiding judge shall direct.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the process for summoning petit jurors to attend any circuit court, shall be made returnable upon such day in term as the presiding judge shall from time to time by rule direct, in order that the issues of law may be disposed of before the attendance of such jurors shall be required.

§1 entry fee to be paid to clerk.

**SEC. 2.** That hereafter there shall be paid to the clerks of the circuit court for the use of the county, an entry fee of two dollars in each cause and a judgment fee of two dollars, where there is no jury impannelled, and where a jury is impannelled a fee of three dollars to

§2 judgment fee to be paid.

§3 jury fee when jury is impannelled.

be paid by the plaintiff as soon as they are sworn: Each jury impannelled shall hereafter receive four dollars and fifty cents in each case, which, together with the travelling fees now allowed by law, shall be in full for the services of such jurors.

Circuit court commissioner to be appointed by the governor.

**SEC. 3.** A circuit court commissioner shall be appointed by the governor, by and with the advice and consent of the senate, in each of the organized counties of this state, who shall have power to direct bail, to grant a stay of proceedings, to allow writs of habeas corpus, and writs of certiorari from justice's courts, to settle interrogatories on commission, to take depositions of witnesses, and to tax bills of cost, and no associate judge of any county shall hereafter have authority to perform any of the duties herein imposed upon such commissioners.

Their duties and powers.

When certiorari from judgment of justice of the peace to be brought in to circuit court.

**SEC. 4.** No certiorari from the judgment of a justice of the peace, shall be brought into a circuit court unless the said commissioner of the proper county, or some one of the judges of the supreme court shall be satisfied by affidavit, of error in law or in fact, affecting the merits of the case, in which case his allowance shall be endorsed on



the writ, and in case of application to such commissioner, on the payment of his fees therefor.

SEC. 5. The compensation of the circuit court commissioner, shall be as follows: For each of the duties herein required to be performed by him, except taxation of costs, fifty cents, and for such taxation twenty-five cents.

Compensation of circuit court commissioner, &c.

SEC. 6. The terms of the circuit court, in the several organized counties of this state, shall be held at least twice in each year, unless the presiding judge, from the small amount of business in either of said counties, shall determine that the public good requires that but one term in each year shall be held therein, in which case he shall cause an entry of such determination to be made in the journals of his said court, specifying the time when such term shall be held, and the same shall remain in force until revoked by an entry to that effect, in said journals, at a regular term of the court in said county.

Terms of circuit court to be held.

Judge shall otherwise determine.

SEC. 7. No cause shall be placed on the circuit calender for trial at any term of said court, unless a notice of trial shall have been duly served by the party intending to move the same for trial, upon the opposite party or his attorney, at least fourteen days previous to the first day of the term at which such trial is sought to be had.

No cause placed on calender for trial, unless notice of trial shall be first issued 14 days before 1st day of court.

SEC. 8. Inquests or assessments may be taken at the proper circuit in all actions brought for the recovery of any debt or damages, unless the defendant, his agent, or attorney shall make an affidavit of merits, accompanied by the certificate of a counsellor at law, stating that he has examined the grounds of defence and believes them valid, and file the same with his plea and serve a copy thereof at the time of the service of a copy of such plea, on the opposite party, or his attorney, according to the practice and rules of the court.

When inquest and assessments may be taken.

SEC. 9. It shall be the duty of each of the judges of the supreme court, to whom any matter pending in said court may be submitted, to pronounce an opinion thereon, and to prepare an abstract of such opinion in writing, embracing the legal points upon which a decision is made, and on or before the first Monday of January, in each year, to cause all such abstracts to be filed with the secretary of state.

Duties of the judges of the supreme court &c. to prepare abstract of their opinion, and file same with secretary of state.

And also such opinions shall be published in one newspaper printed in each of the several districts, where such courts are held respectively, and paid by the state.

Michigan  
shall have  
the same to be  
published.

SEC. 10. It shall be the duty of the secretary of state, whenever said abstract shall have accumulated so as to form a volume of 350 pages, to cause the same to be arranged with the proper table of cases, index, references and marginal annotations, and an edition of one thousand copies thereof to be printed and published, and offered for sale, at the expense and for the benefit of the state.

When a law  
shall not  
participate in  
the decision of  
certain causes.

SEC. 11. Whenever any cause or proceeding from any circuit court, or other subordinate tribunal, shall be carried to the supreme court, by writ of error or otherwise, the judge or justice who decided the cause or directed such proceeding shall not participate in the decision thereof in the court above.

Supreme court  
shall have au-  
thority to re-  
view all mo-  
tions for new  
trials before  
circuit courts,  
and to review  
and reverse  
decisions of  
other courts.

SEC. 12. That in all cases of motions for new trials in the circuit court of this state, when by the present law and practice, there is no remedy by bill of exceptions or otherwise, in case such motion is overruled, the supreme court shall have authority to review, by mandamus, such decision of the said circuit court, notwithstanding such motion may have been addressed to the discretion of the said circuit court, and may grant new trials in all cases, as law and justice may require; and the said supreme court shall further have authority by the said writ or otherwise, according to the course and practice of the court, to review and reverse decisions of all subordinate courts, where the discretion of said courts have been unjustly or illegally exercised, and to compel the entry of such order, judgment or decree, as law and justice may require.

Office of crier  
abolished—  
sheriff to do  
the duties of  
crier.

SEC. 13. That the office of crier of the circuit court is hereby abolished, and the duties heretofore performed by such officer, shall be performed by the sheriff as a part of his duties in attendance upon court.

Associate  
judges to be  
paid \$2 per  
day.

SEC. 14. That the associate judges of the several counties in this state shall hereafter receive the sum of two dollars per day, and no more, for their attendance at such courts.

SEC. 15. Upon a plea of the general issue or non est factum to declaration or count upon any promisory note, bond or other instrument in writing, the plaintiff shall not be required to prove the making or execution of such note, bond or other instrument, but the same shall be taken as admitted, unless the defendant, or some one knowing the facts, shall file an affidavit with such plea denying the making or execution of such note, bond or other instrument in writing, and serve a copy thereof on the plaintiff's attorney, and the rule shall be the same when an action is brought against an endorser or guarantor of any such note or other instrument pleading or like plea: *When plaintiff not required to prove the making of a bond, note, &c.*  
*Provided,* This section shall not apply to suits of attachment.

SEC. 16. That each of the clerks of the supreme court shall appoint some proper person to be his deputy by writing under his hand and the seal of said court, the said appointment to be filed in his office, and the said deputy shall take and subscribe the constitutional oath of office, and in case of the absence, death, resignation or removal from office of either of said clerks or of a vacancy in the office of clerk by any other means, such deputy shall perform all the duties of clerk until such vacancy shall be filled. *Each of the clerks of the supreme court to appoint a deputy, &c. who shall take an oath and perform the duties of clerk, &c.*

SEC. 17. Each of the clerks of the supreme court shall send a transcript of all records, orders and judgments of such courts, as soon as the supreme court shall direct, to each of the other clerks of said court, who shall file and enter the same in such manner as the court shall either by general or special rule direct. *Each of clerks of supreme court to send a transcript of all records &c when directed by supreme court.*

SEC. 18. The charges and expenses of preparing and transmitting the transcripts provided for in the preceding section of this act, shall be severally included in the taxable costs in the respective suits in which the aforesaid records, orders and judgments may be entered, and for all other services performed by the said clerks respectively, they shall receive the fees established therefor in the revised statutes. *Charges and expenses thereof how paid and taxed.*

SEC. 19. This act shall take effect and be in force from and after its passage.

Approved March 9, 1843.

## [No. 81.]

## AN ACT to provide for the equitable settlement of the estate of deceased persons.

**Not necessary to exhaust personal estate before sale of real estate.**      **SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That it shall not hereafter be necessary for any executor or administrator to exhaust all the personal estate of any estate of which he may be executor or administrator before he shall be entitled to a license to sell the real estate, but such license may be granted whenever it shall be made satisfactorily to appear to the judge of probate that the personal estate is sufficient to pay the debts due from said estate.

**Same proceedings for sale as heretofore.**      **SEC. 2.** The same proceedings in other respects to obtain license to sell the real estate, shall be had as are now required by law, and a like notice of the time and place of sale shall be given.

**Judge of probate to elect appraisers.**      **SEC. 3.** After the said license is granted, and the notice of sale published, in pursuance of law, the judge of probate shall elect three disinterested freeholders of the county, to appraise the lands or real estate proposed to be sold.

**Duties of appraisers.**      **SEC. 4.** The said appraisers shall be sworn or affirmed by some person authorized to administer oaths or affirmations, well and truly to appraise the interest of the estate in the real estate shown to them in that behalf at its just cash value, which oath or affirmation shall be in writing and filed with the judge of probate, and the said appraisers shall proceed to examine said lands, and make and deliver to the executor or administrator, a certificate of said appraisal, in which the value of said interest in each distinct parcel shall be set forth.

**No real estate to be sold at less sum than its appraisal.**      **SEC. 5.** No real estate shall be sold by any executor or administrator, at a less sum than its value as certified by the said appraisers, but if the whole or any parcel of said estate be purchased at such sale, for its said appraised value, the purchaser shall be entitled to a deed therefor, on the conditions and in the manner now provided for by law.

**SEC. 6.** In either of the cases referred to in the preceding section, **Executor &c.** the executor or administrator shall return all his doings forthwith to **to make re-** turn. the judge of probate, together with the certificate of appraisal.

**SEC. 7.** If any part of the said real estate shall be sold, the judge of probate, shall, after the payment of the necessary expenses and **Pro rata dist-** costs, direct a pro rata distribution of the money to the several cred- **tribution of es-** itors whose claims are or may hereafter be allowed. **tate to be** **made and di-** **rected.**

**SEC. 8.** If sufficient money shall not be realized on account of **If sufficient** such sale, or offer to sell, to satisfy and liquidate the debts of said **money not re-** estate, the judge of probate shall cause a notice of such fact to be **alized, judge** published in a newspaper published in said county, if one is there **of probate to** published, if not, in a newspaper published in an adjoining county, or **direct notice** in the state paper, once in each week for twelve successive weeks, **to be publish-** which notice shall also request any creditor who may have a claim **ed.** against said estate, to prove the same before the said judge of probate within six months from the first publication of said notice.

**SEC. 9.** Any person having a claim against the said estate, may **Claims against** prove the same before the judge of probate within the time required **estate to be** by said notice, or such further time as the judge shall grant for the **proved before** hearing of the same, and either party may, within sixty days after **judge of prob-** the expiration of said time, appeal from the decision of said judge of **ate.** probate to the circuit court for the proper county. **Party may ap-** **peal.**

**SEC. 10.** The claim of any person, which shall have been duly **Claim and** proved before the judge of probate, and not appealed from, or if on **judgment to be** appeal to the circuit court, judgment shall be therein rendered in fa- **a lien on the** vor of the claimant creditor, such claim or judgment shall be a lien **real estate.** on all the real estate of the deceased person, to the amount of such claim or judgment.

**SEC. 11.** At any time after the expiration of the time of appeal **When heir,** from the decision of the judge of probate, in the allowance or rejection **devisee or cre-** of any claim, any heir, devisee, creditor, or any other person inter- **ditor or other** ested in the said estate, may file a petition with the judge of prob- **person may** ate for a partition of the real estate of the deceased, among the sev- **petition for a** eral creditors and heirs or other persons entitled thereto, which peti- **partition of the** **estate &c.**

Petition how signed, and what to contain.

tion shall be signed by the person or persons making such application and shall contain a brief statement of all the proceedings in relation to the settlement of said estate, a description of the real estate or chattels real belonging to the said estate, or in which the said estate has any interest and the amount of said interest, and all the heirs, devisees and creditors, whose claims may have been allowed by the judge of probate, or who may have appealed from the decision of the said judge, and who shall not have had a judgment rendered against them on said appeal, shall be made parties either as petitioners or defendants.

Upon filing petition, judge of probate to name a day for hearing same, and notice to be published, &c.

SEC. 12. Upon the filing of such petition with the judge of probate, he shall name a day for the hearing of such petition, which shall not be less than three months from the day of filing the same, and cause a notice to be personally served on all parties interested who have not signed said petition, at least thirty days before the day of hearing, or cause such notice to be published in a paper printed in the county, if one is there published, once in each week for twelve successive weeks preceding the said day of hearing, and if no paper is printed in the county or an adjoining one, such notice may be published in the state paper.

The day may be postponed.

SEC. 13. The judge of probate may, on the day assigned for the hearing, for any good cause shown postpone the hearing until any other day.

Commissioners to be appointed to make partition.

SEC. 14. If no valid objections are interposed, the judge of probate shall appoint three disinterested freeholders, commissioners to partition said estate among the heirs, devisees and creditors, in proportion to their several interests.

Commissioners to be sworn—their duties—to be furnished with a transcript, &c.

SEC. 15. The said commissioners before entering upon the discharge of their duties, shall be sworn well and faithfully to discharge the trust reposed in them, and shall be furnished by the judge of probate with a transcript of the inventory of the real estate, and of all the claims that have been allowed by the judge of probate, as well as those on which judgment has been rendered against the executor or administrator in the circuit court and those there pending, and the

commission delivered to them in pursuance of their appointment shall contain a direction when the same shall be returned to him with their doings.

SEC. 16. The said commissioners shall proceed to partition and set off the said real estate, to the several creditors, whose claims have been allowed, in proportion to their respective interests, and if there shall be more real estate at its cash value than is sufficient to satisfy the claims of said creditors, and the costs and charges incident thereto, such excess shall belong to and be vested in the heirs and assigns or other persons entitled thereto; provided, that nothing in this act contained shall affect the right of the widow to dower; and provided further, that any two or more creditors may unite their claims, and the claims thus united shall in the partition be treated as one claim.

Commissioners to partition the estate, and their duties, &c.

SEC. 17. Upon the return of the report of the commissioners to the judge of probate, the same shall be confirmed by him, if no reasonable objections are shown against such confirmation, and if after thirty days from the time of entering such order of confirmation, no appeal is taken from such order to the supreme court, the said judge of probate shall by an order direct the executor or administrator to execute deeds of conveyance to the several creditors of the parcels assigned to them by such partition, which deeds shall vest all the title and interest of said estate in the said creditor.

Judge of probate to confirm report of commissioners if no objection is made, &c. executor &c. to execute deeds, &c.

SEC. 18. When any estate shall be represented insolvent, it shall not be necessary for any judge of probate to appoint commissioners as now required by chapter six, title four, of part second of the revised statutes, but all such claims may be received and examined by the judge of probate, who shall give the like notice now required by law of commissioners, and the parties shall have the same right of appeal they now have from the decision of said commissioners.

Not necessary to appoint commissioners on insolvent estates.

SEC. 19. The judge of probate shall be entitled to the same fees for services required by this act as are now allowed by law for like services, and he may in all cases when his fees or costs are taxed by the circuit court of any county, issue an execution for the collection

Judge of probate entitled to certain fees and may insist upon payment in advance.

of the same against any person liable to pay them, and may in all cases require the payment of fees in advance, for the rendering of any service and payment for the publication of any notice.

When creditor advances money and how to be paid, &c.

SEC. 20. When any creditor or other person interested in said estate, shall have advanced any money necessary to be advanced for the settlement thereof, as contemplated by this law, or obligated himself personally to pay the same, the commissioners, on proof of the fact being made to them, shall in the partition allow such person the full amount of such advances or obligations to pay, although the estate may prove to be insolvent.

SEC. 21. This act shall take effect and be in force from and after its passage.

Approved March 8, 1843.

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[No. 82.]

## AN ACT to incorpoaate the Oakland County Mutual Fire Insurance Company.

Company incorporated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Benjamin Phelps, John Chamberlin, David Paddock, John Bacon, Pierce Patrick, Samuel Satterlee, William Draper, Gideon O. Whittemore, William H. Wells, Amasa Andrews, Willard M. McConnell, Abram B. Mathews, and Nelson W. Clark, and all other persons who may hereafter associate with them in the manner hereinafter prescribed, shall be a body corporate, by the name of the Oakland County Mutual Fire Insurance Company, for the purpose of insuring dwelling houses, stores, shops and all other buildings, household furniture, merchandize, and other property, against loss or damage by fire.

Persons who insure & their heirs to be members of the company.

SEC. 2. All persons who shall hereafter insure with said corporation, and also their heirs, executors, administrators or assigns, continuing to be insured in said corporation as hereinafter prescribed,



shall become and continue members of said corporation, during the time they shall remain insured by the corporation, and no longer.

SEC. 3. The affairs of said company shall be managed by a board of directors, to consist of thirteen persons as is hereinafter provided. All vacancies happening in said board, may be filled by the remaining directors, for the remainder of the year, for which such board was elected, and a majority of said board shall constitute a quorum for the transaction of business.

Company affairs managed by a board of directors—vacancies how filled.

SEC. 4. That Benjamin Phelps, John Chamberlain, David Pad-deck, John Bacon, Pierce Patrick, Samuel Satterlee, William Draper, Gideon O. Whittmore, William H. Wells, Amasa Andrews, Willard M. McConnell, Abram B. Mathews, and Nelson W. Clark, be the first directors of said company, for and during the period of one year from the passage of this act, and until others are elected in their stead, which said board of directors shall be elected once in

Who shall constitute the first directors.

each year, at such time and place in the village of Pontiac, as the corporation shall in its by-laws direct; of which election, notice shall be given by publication in a newspaper printed in the village of Pontiac, at least thirty days previous to the day of election, and in case no newspaper is printed in the village of Pontiac, then such notice shall be published in some newspaper printed in the city of Detroit. Such election shall be holden under the inspection of three members of said company who are not directors, to be appointed by said board, and such election shall be by ballot, allowing one vote to every member for every one hundred dollars insured in said company, and the person receiving a plurality of votes of the members or their proxies then present, shall be elected directors thereof.

Elected each year.

Notice of election to be given.

How holden.

SEC. 5. The board of directors may determine the rates of insurance, the sum to be insured, and the sum to be deposited for any insurance.

Board to determine rates of insurance.

SEC. 6. Every person who shall become a member of said company by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such sum of money as shall be

Person insured to deposit his note.

determined by the directors; a part, not to exceed seven per centum, shall be immediately paid, and the remainder of said deposit note shall be payable in part or the whole, at any time when the board of directors shall determine it necessary for the purpose of paying losses by fire, and incidental expenses required for the transaction of the business of said company; and at the expiration of the term of insurance, said note or such part thereof as shall then remain unpaid, after deducting all losses and expenses incurred during said term, shall be relinquished and given up to the maker thereof.

How and when to be paid.

When policy shall become void.

SEC. 7. When any property insured by said company, shall be alienated by sale or otherwise, the policy shall thereupon become void, and the same shall be surrendered to the directors to be cancelled, and upon the surrender thereof the person insured shall be entitled to receive his deposit note upon the payment of his share of all

Grantee may have policy assigned to him.

losses and expenses that have accrued prior to such surrender. But the grantee or alienee having the policy assigned to him may, upon application to the directors of said company, have the same ratified and confirmed to him for his use and benefit, by consent of said board, provided such grantee or alienee shall make such application within thirty days after such alienation, on giving proper security to the satisfaction of the directors for such proportion of the deposit or premium note, as shall remain unpaid; and by such ratification and confirmation, the party causing such security to be given, shall be entitled to all the rights and privileges, and be subject to all the liabilities to which the original party to whom the policy insured was entitled and subject to under this act.

Losses how paid.

SEC. 8. Every member of said company shall be bound to pay for losses and the necessary expenses as aforesaid accruing to said company, in proportion to the amount of the deposit note of the insured, and all buildings insured by said company, together with the right, title and interest of the assured to the lands on which said buildings stand, shall stand pledged to said company, and said company shall have a lien thereon in the nature of a mortgage, to the amount of such deposit note, to continue during the policy effected; such lien

Property insured to be liable.

to take effect whenever said company shall file with, and have entered in the record of mortgages in the office of the register of deeds of the county where the premises insured are situated, a description of the property, the amount of the deposit note, the name of the person or persons insured, and the time for which said policy is to continue.

Sec. 9. Suits at law may be maintained by said company in its corporate name, against any member or members thereof, for the collection of said deposit notes, or any assessment thereon, or for any other cause relating to the business of said company; and such suits may be commenced and prosecuted by any member, against said corporation, for losses or damages by fire, if payment is withheld more than three months after the company are duly notified of such losses. And any member of such corporation, who is not in his individual capacity a party to such suit or suits, shall be a competent witness for either party.

Company may maintain suits at law against members of the same.

Sec. 10. The directors shall, after receiving notice of any loss or damage sustained by fire and ascertaining the same, and after rendition of any judgment as aforesaid, against said company, for such loss or damage, settle and determine the sum to be paid by the several members thereof as their respective portions of such loss, and publish the same in such manner as shall be prescribed by the by-laws of said company, and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer of said company within thirty days next after the publication of such notice. And if any member shall for the space of thirty days next after the publication of such notice, neglect or refuse to pay the sum assessed against him, or his portion, of any loss as aforesaid, in such case the said corporation may sue for and recover the whole amount of his deposit note or notes with costs of suit, and the amount thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have or may thereafter accrue, and the balance, if any remain, shall be refunded to the party from whom it was col-

After loss directors to settle and determine the sum to be paid by each member.

Proportion each member shall pay.

lected, on demand, after thirty days notice from the expiration of the term for which insurance was made.

**Sec. 11.** If the whole amount of deposit notes should be insufficient to pay the loss occasioned by any fire or fires, in such case the sufferers insured in said company shall reserve towards making good their respective losses, a proportionate dividend of the whole amount of the premium notes according to the sums by them respectively insured, and in addition thereto a sum to be assessed on all the members of said company, on the same principle as regulates the amounts of their respective deposit notes, but not to exceed one dollar on every one hundred dollars by them respectively insured, and no member shall ever be required to pay for any loss occasioned by fire at any one time more than one dollar on every one hundred dollars insured in addition to the amount of his deposit note, nor more than that amount after his said note shall have been paid or expended, but any member, upon the payment of the whole of his deposit note, may, on surrendering his policy before any subsequent loss or expense has occurred, be discharged from said company.

When the whole amount of deposit notes are insufficient to pay any loss or losses, a dividend to be made of the premium notes.

Directors may make by-laws.

**Sec. 12.** The directors of said company may make such by-laws for the regulation of the affairs of said company as are necessary, provided the same do not come in conflict with the constitution or laws of this state.

Board may appoint a secretary.

**Sec. 13.** It shall be the duty of the board of directors to appoint a secretary and treasurer, who shall continue to hold their respective offices during the pleasure of the board, and such other officers may be appointed by said board of directors as the business and operations of said corporation may require.

Business conducted in the village of Pontiac.

**Sec. 14.** The operations and business of said corporation shall be carried on and conducted at such place in the village of Pontiac as shall be designated by the board of directors.

**Sec. 15.** This act shall take effect immediately after its passage.

**Sec. 16.** The legislature may at any time alter, amend or repeal this act.

Approved March 9, 1843.

## No. 83.]

AN ACT authorizing the construction of a wagon road  
on the line of the Northern Railroad.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That for the purpose of constructing a good wagon road on the line of the "Northern Railroad" there shall be appropriated, to be expended as hereinafter directed, the highway tax which may be hereafter assessed upon the lands owned by non-residents, on the line of said road for the distance of three miles each way from the centre thereof.

Wagon road  
to be constructed  
on the line  
of the northern  
railroad.

SEC. 2. Whenever any lot or description of land assessed shall extend beyond the distance before limited, and any part thereof shall be embraced within the three miles aforesaid, the highway tax assessed on such lot or description of land shall accrue to the road fund.

When highway  
tax shall  
accrue to the  
road fund.

SEC. 3. It is hereby made the duty of the county treasurer of the counties of St. Clair, Lapeer, Genesee, Shiawassee, Clinton and Ionia, respectively, to open an account in a book to be provided by such treasurer at the expense of his proper county, for that purpose, to be denominated "*Special road fund,*" and to credit to said fund all monies that may be paid to said county treasurer by the provisions of this act.

Duty of certain  
county  
treasurers.

SEC. 4. It shall be the duty of the board of supervisors of the before named counties respectively, at their annual meeting in September of each year, or before delivering the tax roll to the several township treasurers or collectors, to make out a statement of the descriptions of lands, together with the amount of highway tax assessed and returned on each lot or description of land within the limits before designated on the line of said road within their respective counties, and to deliver the same to the county treasurer, who shall file the same in his office, and pass the amount of said highway tax to the credit of the "*special road fund.*"

Duty of board  
of supervisors  
in certain  
counties to  
make out a  
statement of  
lands assessed.

SEC. 5. The county treasurer shall in his settlement with the of-

County tax-ticker making return of the unpaid taxes, charge such officer or collector with the amount of highway taxes which may have been paid to such officer or collector, on land embraced within the provisions of this act, who shall pay over to the county treasurer the amount of highway tax so collected by him.

Duty of commissioners of highways through which the road passes.

SEC. 6. It shall be the duty of the commissioners of highways of the respective townships through which the said road passes, or in which any lands may be situate, embraced within the limits of the operation of this act, in their warrants to overseers of highways, to direct them respectively to cause all labor assessed within their respective districts upon the lands of non-resident owners coming within the provisions of this act to be worked upon the line of said road.

Special commissioner to be appointed.

SEC. 7. In order to carry out more fully the intentions and provisions of this act, there shall be appointed a special commissioner for each of the counties of St. Clair, Lapeer, Genesee, Shiawassee, Clinton and Ionia, who shall have the superintendence of said road within their respective counties, and direct where all labor shall be performed on said road: *Provided*, That no overseer of highways shall be required to expend any labor out of his road district, if the line of said road passes through said district.

Non-resident may apply to special commissioner to pay his highway tax on said road.

SEC. 8. Any non-resident who may wish to perform the labor assessed upon his lands himself, by agent or otherwise, in case the road district in which such lands are situate be not contiguous to the line of said road, may apply to the special commissioner who shall direct when and where the labor may be performed on said road, and whenever the labor shall be fully and satisfactorily performed, it shall be the duty of the special commissioner to give a receipt therefor; and upon presentation of such receipt to the overseer of highways of the district in which such lands are situate, he shall cancel the tax on said lands therein described: *Provided*, The same be done before the time designated by law, for the return of unpaid highway taxes.

SEC. 9. Whenever any person shall commute the highway tax

assessed upon non-resident lands embraced within the provisions of this act, and the same shall be paid to the overseer of highways, he shall pay over the same within thirty days after the receipt thereof to the county treasurer, who shall give a receipt therefor, and the township treasurer shall pay to the county treasurer on or before the first day of November in each year, all the monies that may come into his hands from the overseers of highways.

Overseer of highways pay over money commuted for tax assessed on lands embraced within provisions of this act to county treasurer.

Sec. 10. The special commissioner shall have authority to let, to contract any job, or work upon said road within his county, first giving public notice thereof, by posting up three or more printed notices, one of which shall be upon the outer door of the court-house or place of holding courts for said county, at least ten days before the time of letting such contract, which said notice shall state where the work is to be performed, and the nature thereof, the time limited for the performance, the time and manner of payment, the time and place when and where the work will be let to the lowest bidder, giving good and sufficient bonds with one or more sureties to the special commissioner for the faithful performance of said contract.

Special commissioner to let contracts, to give notice.

Sec. 11. Whenever any such contract shall be completed, the special commissioner shall issue his certificate of the fact, which shall be attached to such contract, and together presented to the board of supervisors (or to a committee of the board appointed for that purpose,) who shall thereupon issue their warrant to the county treasurer for the payment of the same out of the special road fund.

To issue his certificate when contract is completed.

Sec. 12. All money and labor to be expended shall be on the line of said northern railroad as now established: *Provided*, That if the special commissioner shall be of opinion that any alteration will be a saving of expense or distance, he may notify the commissioners of highways of the township in which such alterations are proposed, and if a majority of such highway commissioners shall agree thereto, the same may be altered: *Provided further*, That there shall be no alteration made on the line of said road which will increase the distance more than one hundred and sixty rods in any one surveyed township.

Money to be expended on line of northern railroad.

How alterations of said road to be identified.

SEC. 13. All alterations made in the line of said road according to the provisions contained in the preceding section, shall be certified to by a majority of the commissioners of highways and filed of record in the office of the township clerk for the proper township.

When lands coming within the provisions of this act shall enure to the state, auditor general shall draw his warrant for the amount of the tax, interest, &c., on the same.

SEC. 14. In case any lands coming within the provisions of this act shall from any cause enure to this State, the county treasurer of the proper county shall furnish the auditor general with a statement thereof, with the amount of highway tax, interest and charges due thereon annexed; and the auditor general shall draw his warrant on the state treasurer for the amount of such tax, interest and charges, and the state treasurer shall pay the same out of the general fund.

Compensation of special commissioner.

SEC. 15. The special commissioner shall receive such compensation for services as the board of supervisors of the respective counties may allow, not exceeding one dollar per day for each and every day actually employed in the business of said road, and the said board may require said commissioner to verify his amount of services by affidavit.

Daniel B. Harrington, Jonathan R. White, Cha's C. Hascall, Alexander M. Arthur, Cornelius Potter and Abraham S. Wadsworth commissioners.

SEC. 16. That Daniel B. Harrington be, and he is hereby appointed special commissioner for the county of St. Clair: That Jonathan R. White be, and he is hereby appointed special commissioner for Lapeer county: That Charles C. Hascall be, and he is hereby appointed special commissioner for the county of Genesee: That Alexander McArthur be, and he is hereby appointed special commissioner for Shiawassee county: That Cornelius Potter be, and he is hereby appointed special commissioner for the county of Clinton: That Abraham S. Wadsworth be, and he is hereby appointed special commissioner for the county of Ionia; and in case any of said special commissioners do not file the oath of office required by the constitution of this state, with the county clerk of his county, on or before the first Monday of October next ensuing, the neglect thereof shall be deemed a vacancy, and the board of supervisors shall appoint a suitable person to fill said office of special commissioner, & all vacancies which may happen by death, removal or otherwise, shall be filled by the board of supervisors of the respective counties; and any person so



appointed shall before entering upon the duties of said office take and file the constitutional oath of office as aforesaid.

SEC. 17. If any special commissioner shall neglect or refuse to perform the duties enjoined upon him by this act, the board of supervisors of the proper county may enter such neglect or refusal at large upon their journal, and remove such commissioner from office, but no removal shall be made by the board of supervisors without first giving said commissioner a chance to be heard in his defence.

SEC. 18. It shall be the duty of the chairman of the board of supervisors of the respective counties, in case any person who shall contract with the commissioner, fails to perform on said contract, to cause the same to be prosecuted, in all cases where said commissioner shall fail to obtain a fulfilment on the part of said contractor.

SEC. 19. The laws regulating highways now in force in this state, not contravening the provisions of this act, shall apply to this road.

SEC. 20. This act shall be and remain in force for the term of five years and no longer, and shall take effect from and after its passage.

Approved March 9, 1843.

[No. 84.]

AN ACT to alter, lay out and establish certain State Roads therein mentioned.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the surveys made by the county surveyors of Hillsdale county, under the direction of the highway commissioners of the township of Somerset, on the line of the Chicago road, and the survey bill signed by Thomas Stockton, surveyor, be recorded in the said township clerk's office, and the same is hereby declared a public highway.

**Martin Barnhart, Willit Hopkins and David Aldredge** authorized to alter state road.

**SEC. 2.** That Martin Barnhart, of Branch county, Willit Hopkins, of Albion, and David Aldredge, of Fredonia, in Calhoun county, are hereby appointed commissioners to review and make such alterations in the state road leading from Jackson to White Pigeon, through the township of Tekonsha, in the county of Calhoun, as the public good may require; and when a survey bill of said alterations signed by any two of the commissioners, and recorded in the township clerk's office of the township of Tekonsha, the same is hereby declared a public highway and a part of said road.

**Alonzo Noble, James Simons and Leander McCamley** authorized to lay out state road.

**SEC. 3.** That Alonzo Noble, James Simons and Leander McCamley, be and they are hereby appointed commissioners to lay out and establish a state road, commencing at or near the south west corner of section number one (1) in township number two south, of range number eight west, and running west on the line of said section, or as near west as practicable, until it intersects a public highway, running from Battle Creek to Kalamazoo, at or near a place called the Burdick settlement, in the county of Kalamazoo.

**Lorenzo Sprague, Ja's Hutchinson and Cyrus Hewitt**, commissioners to take up and alter a certain road.

**SEC. 4.** That Lorenzo Sprague, James Huckinson and Cyrus Hewitt, be and they are hereby appointed commissioners to take up, alter and relay, any portion of the territorial road leading from Marshall to Kalamazoo, lying between the Gulf Bridge, so called, in the town of Emmitt and Goguack Prairie, in the town of Battle Creek.

**Charles Wright, W. M. Axford and F. S. Clark**, authorized to lay out a state road.

**SEC. 5.** That Charles Wright, William M. Axford, and F. S. Clark, be and they are hereby authorized and appointed commissioners to lay out and establish a state road from the village of Rochester to the village of Lakeville, in Oakland county, and from thence to the county site of Lapeer county, on the most eligible route.

**G. Thomas, J. Vreeland and D. Hardy**, authorized to lay out state road.

**SEC. 6.** That Gideon Thomas, of Monroe county, Jacob Vreeland, of Wayne county, and David Hardy, of Washtenaw county, be and they are hereby authorized to lay out and establish a state road from the village of Flat Rock, in the county of Wayne, to Oak Hill, in the county of Monroe, as near the county line between Wayne and Monroe counties as the nature of the ground will admit, and when the said road shall have been surveyed and a survey bill

made out in accordance with said survey, and signed by said commissioners or a majority of them, and so much of the survey of said road filed with the township clerk of each township through which said road shall pass, and shall be laid out in such township, it shall then be considered a public highway for the purposes therein mentioned.

Sec. 7. That Henry Buell, James M. Blood and William W. Upton, be and they are hereby authorized to alter and re-lay so much of a state road, leading from Byron to Lyons, as is included in the township of Os-owa, in the county of Clinton, and file the survey of such alterations in the township clerk's office of said town: *Provided*, That the distance shall not be increased by any alteration.

Sec. 8. That there shall be laid out and established, a state road from what is called the extension of the Jefferson Avenue in the city of Detroit, to Mt. Clemens, in the county of Macomb, and that John Stockton, of Clinton, Solomon Porter, of Orange, and John Kirby of Hamtramack, be and are hereby appointed commissioners for that purpose.

Sec. 9. That Ralph Bailly, William Brown and James Lawrence, be and they are hereby appointed commissioners to lay out and establish a state road from the village of Hillsdale through Hillsdale and Branch counties, in the direction of of Willon Prairie, in the state of Indiana.

Sec. 10. That Augustus Hamlin, Jr. Edward Cadotte, and Wm. Root, be and they are hereby appointed commissioners to lay out and establish a state road from the village of Sault St. Mary, in the county of Chippewa, to Point St. Ignace, in the county of Michilimackinac.

Sec. 11. E. A. Hayden, S. Underwood and B. McDaniels, together with the highway commissioners of the township of Burlington, Calhoun county, to be elected at the next annual election of said township, be, and they are hereby appointed commissioners to review the state road through said township, and if they

Henry Buell and others authorized to alter certain roads.

Road to be established from Jefferson Avenue to Mt. Clemens, Macomb county.

Ralph Bailly and others authorized to establish state road.

A. Hamlin, jr. E. Cadotte and W. Root, to lay out road.

E.A. Hayden, S. Underwood and B. McDaniels, with highway commissioners authorized to review state road.

find any alterations necessary, to make and enter the same of record in the county clerk's office of said county.

**P. G. Davison,**  
**Jas. W. San-**  
**born, J. B.**  
**Hough** author-  
ized to lay out  
road.  
SEC. 12. That Paul G. Davison, James W. Sanborn and John B. Hough, be, and they are hereby authorized to lay out and establish a state road, from the village of Davisonville, Lapeer county, to the village of Newburg, in said county.

**R. E. Bird,**  
**A. Wade, and**  
**A. Finney,**  
commissioners  
to lay out road.  
SEC. 13. That Reuben E. Bird, Andrew Wade and Augustus Finny, be, and they are hereby appointed commissioners for the purpose of examining so much of the state road leading from Morensi, Lenawee county, through Canandaigua, Madison, Hudson and Rollin, to the Chicago road, as runs through section nineteen, in the town of Hudson, township seven south of range one east, near said village, and relay, or change, or discontinue the same, as in their opinion the best interests of the township and the public good require.

**Commission-**  
**ers to file their**  
**survey bill in**  
**towns through**  
**which road**  
**passes.**  
SEC. 14. That it be the duty of the commissioners appointed in pursuance of this act, to file in the offices of the township clerks of the several towns through which said road may pass, the survey bills of such parts of said roads as lie within their respective townships, and it is hereby made the duty of said clerks to record the same, and in thirty days after said survey bills are left for record, it shall be the duty of the commissioners to open said roads as public highways.

**State not li-**  
**able to expense.**  
SEC. 15. That in laying out and establishing the above mentioned roads, the state shall in no instance be liable for any expense or damages that may be incurred thereby.

SEC. 16. This act shall be in force from and after its passage, for two years and no longer.

Approved March 9, 1843.

[No. 85.]

**AN ACT** to attach certain townships to the county of Genesee, as a part of the territory and jurisdiction thereof.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That towns number six, seven, eight, nine, north of range number eight east, now forming a part of the county of Lapeer, be, and the same are hereby detached therefrom, and said towns are hereby attached to the county of Genesee, and they shall hereafter form and constitute a part of the territory and jurisdiction thereof.

Towns 6, 7, 8,  
9, n r 8 east,  
attached to  
county of Gen-  
esee.

**SEC. 2.** All acts, and parts of acts, contravening the provisions of this act are hereby repealed.

**SEC. 3.** This act shall take effect on the thirty-first day of March, eighteen hundred and forty-three.

Approved March 9, 1843.

[No. 86.]

**AN ACT** making appropriations for the payment of the expenses authorized for the year eighteen hundred and forty-three.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the following sums be and they are hereby appropriated to be paid out of the general fund, to wit :

To be paid out  
of the general  
fund.

To Thomas Rowland, postmaster, for postage on letters and newspapers for the members and officers of the present legislature, two hundred and forty-one dollars and fifteen cents, and such further sum as may accrue during the session after the sixth day of March, to be audited by the auditor general.

To Bagg & Harmon for legislative printing for the present legislature, fourteen hundred and thirty-eight dollars and forty-seven cents.

determined by the directors; a part, not to exceed seven per centum, shall be immediately paid, and the remainder of said deposit note shall be payable in part or the whole, at any time when the board of directors shall determine it necessary for the purpose of paying losses by fire, and incidental expenses required for the transaction of the business of said company; and at the expiration of the term of insurance, said note or such part thereof as shall then remain unpaid, after deducting all losses and expenses incurred during said term, shall be relinquished and given up to the maker thereof.

How and when to be paid.

When policy shall become void.

Sec. 7. When any property insured by said company, shall be alienated by sale or otherwise, the policy shall thereupon become void, and the same shall be surrendered to the directors to be canceled, and upon the surrender thereof the person insured shall be entitled to receive his deposit note upon the payment of his share of all

Grantee may have policy assigned to him.

losses and expenses that have accrued prior to such surrender. But the grantee or alienee having the policy assigned to him may, upon application to the directors of said company, have the same ratified and confirmed to him for his use and benefit, by consent of said board, provided such grantee or alienee shall make such application within thirty days after such alienation, on giving proper security to the satisfaction of the directors for such proportion of the deposit or premium note, as shall remain unpaid; and by such ratification and confirmation, the party causing such security to be given, shall be entitled to all the rights and privileges, and be subject to all the liabilities to which the original party to whom the policy insured was entitled and subject to under this act.

Losses how paid.

Sec. 8. Every member of said company shall be bound to pay for losses and the necessary expenses as aforesaid accruing to said company, in proportion to the amount of the deposit note of the insured, and all buildings insured by said company, together with the right, title and interest of the assured to the lands on which said buildings stand, shall stand pledged to said company, and said company shall have a lien thereon in the nature of a mortgage, to the amount of such deposit note, to continue during the policy effected; such lien

Property insured to be liable.

to take effect whenever said company shall file with, and have entered in the record of mortgages in the office of the register of deeds of the county where the premises insured are situated, a description of the property, the amount of the deposit note, the name of the person or persons insured, and the time for which said policy is to continue.

Sac. 9. Suits at law may be maintained by said company in its corporate name, against any member or members thereof, for the collection of said deposit notes, or any assessment thereon, or for any other cause relating to the business of said company; and such suits may be commenced and prosecuted by any member, against said corporation, for losses or damages by fire, if payment is withheld more than three months after the company are duly notified of such losses. And any member of such corporation, who is not in his individual capacity a party to such suit or suits, shall be a competent witness for either party.

Company may maintain suits at law against members of the same.

Sac. 10. The directors shall, after receiving notice of any loss or damage sustained by fire and ascertaining the same, and after rendition of any judgment as aforesaid, against said company, for such loss or damage, settle and determine the sum to be paid by the several members thereof as their respective portions of such loss, and publish the same in such manner as shall be prescribed by the by-laws of said company, and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer of said company within thirty days next after the publication of such notice. And if any member shall for the space of thirty days next after the publication of such notice, neglect or refuse to pay the sum assessed against him, or his portion, of any loss as aforesaid, in such case the said corporation may sue for and recover the whole amount of his deposit note or notes with costs of suit, and the amount thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have or may thereafter accrue, and the balance, if any remain, shall be refunded to the party from whom it was col-

After loss directors to settle and determine the sum to be paid by each member.

Proportion each member shall pay.

lected, on demand, after thirty days notice from the expiration of the term for which insurance was made.

When the whole amount of deposit notes are insufficient to pay any loss or losses, a dividend to be made of the premium notes.

Sec. 11. If the whole amount of deposit notes should be insufficient to pay the loss occasioned by any fire or fires, in such case the sufferers insured in said company shall reserve towards making good their respective losses, a proportionate dividend of the whole amount of the premium notes according to the sums by them respectively insured, and in addition thereto a sum to be assessed on all the members of said company, on the same principle as regulates the amounts of their respective deposit notes, but not to exceed one dollar on every one hundred dollars by them respectively insured, and no member shall ever be required to pay for any loss occasioned by fire at any one time more than one dollar on every one hundred dollars insured in addition to the amount of his deposit note, nor more than that amount after his said note shall have been paid or expended, but any member, upon the payment of the whole of his deposit note, may, on surrendering his policy before any subsequent loss or expense has occurred, be discharged from said company.

Directors may make by-laws.

Sec. 12. The directors of said company may make such by-laws for the regulation of the affairs of said company as are necessary, provided the same do not come in conflict with the constitution or laws of this state.

Board may appoint a secretary.

Sec. 13. It shall be the duty of the board of directors to appoint a secretary and treasurer, who shall continue to hold their respective offices during the pleasure of the board, and such other officers may be appointed by said board of directors as the business and operations of said corporation may require.

Business conducted in the village of Pontiac.

Sec. 14. The operations and business of said corporation shall be carried on and conducted at such place in the village of Pontiac as shall be designated by the board of directors.

Sec. 15. This act shall take effect immediately after its passage.

Sec. 16. The legislature may at any time alter, amend or repeal this act.

Approved March 9, 1843.



No. 83.]

AN ACT authorizing the construction of a wagon road on the line of the Northern Railroad.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That for the purpose of constructing a good wagon road on the line of the "Northern Railroad" there shall be appropriated, to be expended as hereinafter directed, the highway tax which may be hereafter assessed upon the lands owned by non-residents, on the line of said road for the distance of three miles each way from the centre thereof.

Wagon road to be constructed on the line of the Northern Railroad.

SEC. 2. Whenever any lot or description of land assessed shall extend beyond the distance before limited, and any part thereof shall be embraced within the three miles aforesaid, the highway tax assessed on such lot or description of land shall accrue to the road fund.

When highway tax shall accrue to the road fund.

SEC. 3. It is hereby made the duty of the county treasurer of the counties of St. Clair, Lapeer, Genesee, Shiawassee, Clinton and Ionia, respectively, to open an account in a book to be provided by such treasurer at the expense of his proper county, for that purpose, to be denominated "*Special road fund,*" and to credit to said fund all monies that may be paid to said county treasurer by the provisions of this act.

Duty of certain county treasurers.

SEC. 4. It shall be the duty of the board of supervisors of the before named counties respectively, at their annual meeting in September of each year, or before delivering the tax roll to the several township treasurers or collectors, to make out a statement of the descriptions of lands, together with the amount of highway tax assessed and returned on each lot or description of land within the limits before designated on the line of said road within their respective counties, and to deliver the same to the county treasurer, who shall file the same in his office, and pass the amount of said highway tax to the credit of the "*special road fund.*"

Duty of board of supervisors, in certain counties to make out a statement of lands assessed.

SEC. 5. The county treasurer shall in his settlement with the of-

County treasurer shall charge collector amount of highway taxes assessed on lands embraced in the provisions of this act. ficer making return of the unpaid taxes, charge such officer or collector with the amount of highway taxes which may have been paid to such officer or collector, on land embraced within the provisions of this act, who shall pay over to the county treasurer the amount of highway tax so collected by him.

SEC. 6. It shall be the duty of the commissioners of highways of the respective townships through which the said road passes, or in which any lands may be situate, embraced within the limits of the operation of this act, in their warrants to overseers of highways, to direct them respectively to cause all labor assessed within their respective districts upon the lands of non-resident owners coming within the provisions of this act to be worked upon the line of said road.

SEC. 7. In order to carry out more fully the intentions and provisions of this act, there shall be appointed a special commissioner for each of the counties of St. Clair, Lapeer, Genesee, Shiawassee, Clinton and Ionia, who shall have the superintendence of said road within their respective counties, and direct where all labor shall be performed on said road: *Provided*, That no overseer of highways shall be required to expend any labor out of his road district, if the line of said road passes through said district.

SEC. 8. Any non-resident who may wish to perform the labor assessed upon his lands himself, by agent or otherwise, in case the road district in which such lands are situate be not contiguous to the line of said road, may apply to the special commissioner who shall direct when and where the labor may be performed on said road, and whenever the labor shall be fully and satisfactorily performed, it shall be the duty of the special commissioner to give a receipt therefor; and upon presentation of such receipt to the overseer of highways of the district in which such lands are situate, he shall cancel the tax on said lands therein described: *Provided*, The same be done before the time designated by law, for the return of unpaid highway taxes.

SEC. 9. Whenever any person shall commute the highway tax

assessed upon non-resident lands embraced within the provisions of this act, and the same shall be paid to the overseer of highways, he shall pay over the same within thirty days after the receipt thereof to the county treasurer, who shall give a receipt therefor, and the township treasurer shall pay to the county treasurer on or before the first day of November in each year, all the monies that may come into his hands from the overseers of highways.

Overseer of highways pay over money commuted for tax assessed on lands embraced within provisions of this act to county treasurer.

SEC. 10. The special commissioner shall have authority to let, to contract any job, or work upon said road within his county, first giving public notice thereof, by posting up three or more printed notices, one of which shall be upon the outer door of the court-house or place of holding courts for said county, at least ten days before the time of letting such contract, which said notice shall state where the work is to be performed, and the nature thereof, the time limited for the performance, the time and manner of payment, the time and place when and where the work will be let to the lowest bidder, giving good and sufficient bonds with one or more sureties to the special commissioner for the faithful performance of said contract.

Special commissioner to let contracts, to give notice.

SEC. 11. Whenever any such contract shall be completed, the special commissioner shall issue his certificate of the fact, which shall be attached to such contract, and together presented to the board of supervisors (or to a committee of the board appointed for that purpose,) who shall thereupon issue their warrant to the county treasurer for the payment of the same out of the special road fund.

To issue his certificate when contract is completed.

SEC. 12. All money and labor to be expended shall be on the line of said northern railroad as now established: *Provided*, That if the special commissioner shall be of opinion that any alteration will be a saving of expense or distance, he may notify the commissioners of highways of the township in which such alterations are proposed, and if a majority of such highway commissioners shall agree thereto, the same may be altered: *Provided further*, That there shall be no alteration made on the line of said road which will increase the distance more than one hundred and sixty rods in any one surveyed township.

Money to be expended on line of northern railroad.

How alterations of said road to be identified.

SEC. 13. All alterations made in the line of said road according to the provisions contained in the preceding section, shall be certified to by a majority of the commissioners of highways and filed of record in the office of the township clerk for the proper township.

When lands coming within the provisions of this act shall enure to the state, auditor general shall draw his warrant for the amount of the tax, interest, &c. on the same.

SEC. 14. In case any lands coming within the provisions of this act shall from any cause enure to this State, the county treasurer of the proper county shall furnish the auditor general with a statement thereof, with the amount of highway tax, interest and charges due thereon annexed; and the auditor general shall draw his warrant on the state treasurer for the amount of such tax, interest and charges, and the state treasurer shall pay the same out of the general fund.

Compensation of special commissioner.

SEC. 15. The special commissioner shall receive such compensation for services as the board of supervisors of the respective counties may allow, not exceeding one dollar per day for each and every day actually employed in the business of said road, and the said board may require said commissioner to verify his amount of services by affidavit.

Daniel B. Harrington, Jonathan R. White, Cha's C. Hascall, Alexander M'Arthur, Cornelius Potter and Abraham S. Wadsworth commissioners.

SEC. 16. That Daniel B. Harrington be, and he is hereby appointed special commissioner for the county of St. Clair: That Jonathan R. White be, and he is hereby appointed special commissioner for Lapeer county: That Charles C. Hascall be, and he is hereby appointed special commissioner for the county of Genesee: That Alexander McArthur be, and he is hereby appointed special commissioner for Shiawassee county: That Cornelius Potter be, and he is hereby appointed special commissioner for the county of Clinton: That Abraham S. Wadsworth be, and he is hereby appointed special commissioner for the county of Ionia; and in case any of said special commissioners do not file the oath of office required by the constitution of this state, with the county clerk of his county, on or before the first Monday of October next ensuing, the neglect thereof shall be deemed a vacancy, and the board of supervisors shall appoint a suitable person to fill said office of special commissioner, & all vacancies which may happen by death, removal or otherwise, shall be filled by the board of supervisors of the respective counties; and any person so

appointed shall before entering upon the duties of said office take and file the constitutional oath of office as aforesaid.

SEC. 17. If any special commissioner shall neglect or refuse to perform the duties enjoined upon him by this act, the board of supervisors of the proper county may enter such neglect or refusal at large upon their journal, and remove such commissioner from office, but no removal shall be made by the board of supervisors without first giving said commissioner a chance to be heard in his defence.

Commissioner to be removed for a neglect or refusal to perform his duty.

SEC. 18. It shall be the duty of the chairman of the board of supervisors of the respective counties, in case any person who shall contract with the commissioner, fails to perform on said contract, to cause the same to be prosecuted, in all cases where said commissioner shall fail to obtain a fulfilment on the part of said contractor.

Duty of chairman of board of supervisors in certain cases.

SEC. 19. The laws regulating highways now in force in this state, not contravening the provisions of this act, shall apply to this road.

SEC. 20. This act shall be and remain in force for the term of five years and no longer, and shall take effect from and after its passage.

Approved March 9, 1843.

[No. 84.]

AN ACT to alter, lay out and establish certain State Roads therein mentioned.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the surveys made by the county surveyors of Hillsdale county, under the direction of the highway commissioners of the township of Somerset, on the line of the Chicago road, and the survey bill signed by Thomas Stockton, surveyor, be recorded in the said township clerk's office, and the same is hereby declared a public highway.

State road.

find any alterations necessary, to make and enter the same of record in the county clerk's office of said county.

**P. G. Davison,**  
**Jas. W. San-**  
**born, J. B.**  
**Hough** author-  
**ized to lay out**  
**road.**

SEC. 12. That Paul G. Davison, James W. Sanborn and John B. Hough, be, and they are hereby authorized to lay out and establish a state road, from the village of Davisonville, Lapeer county, to the village of Newburg, in said county.

**R. F. Bird,**  
**A. Wade, and**  
**A. Finney,**  
**commissioners**  
**to lay out road.**

SEC. 13. That Reuben E. Bird, Andrew Wade and Augustus Finny, be, and they are hereby appointed commissioners for the purpose of examining so much of the state road leading from Morensi, Lenawee county, through Canandaigua, Madison, Hudson and Rollin, to the Chicago road, as runs through section nineteen, in the town of Hudson, township seven south of range one east, near said village, and relay, or change, or discontinue the same, as in their opinion the best interests of the township and the public good require.

**Commission-**  
**ers to file their**  
**survey bill in**  
**towns through**  
**which road**  
**passes.**

SEC. 14. That it be the duty of the commissioners appointed in pursuance of this act, to file in the offices of the township clerks of the several towns through which said road may pass, the survey bills of such parts of said roads as lie within their respective townships, and it is hereby made the duty of said clerks to record the same, and in thirty days after said survey bills are left for record, it shall be the duty of the commissioners to open said roads as public highways.

**State not lia-**  
**ble to expense,**

SEC. 15. That in laying out and establishing the above mentioned roads, the state shall in no instance be liable for any expense or damages that may be incurred thereby.

SEC. 16. This act shall be in force from and after its passage, for two years and no longer.

Approved March 9, 1843.

[No. 85.]

**AN ACT** to attach certain townships to the county of Genesee, as a part of the territory and jurisdiction thereof.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That towns number six, seven, eight, nine, north of range number eight east, now forming a part of the county of Lapeer, be, and the same are hereby detached therefrom, and said towns are hereby attached to the county of Genesee, and they shall hereafter form and constitute a part of the territory and jurisdiction thereof.

Towns 6, 7, 8,  
9, n r 8 east,  
attached to  
county of Gen-  
esee.

**SEC. 2.** All acts, and parts of acts, contravening the provisions of this act are hereby repealed.

**SEC. 3.** This act shall take effect on the thirty-first day of March, eighteen hundred and forty-three.

Approved\* March 9, 1843.

[No. 86.]

**AN ACT** making appropriations for the payment of the expenses authorized for the year eighteen hundred and forty-three.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the following sums be and they are hereby appropriated to be paid out of the general fund, to wit :

To be paid out  
of the general  
fund.

To Thomas Rowland, postmaster, for postage on letters and newspapers for the members and officers of the present legislature, two hundred and forty-one dollars and fifteen cents, and such further sum as may accrue during the session after the sixth day of March, to be audited by the auditor general.

To Bagg & Harmon for legislative printing for the present legislature, fourteen hundred and thirty-eight dollars and forty-seven cents.

is hereby set off and organized into a separate township by the name of Marcellus, and that the first township meeting shall be held at the house of Daniel G. Rouse, in said township.

Name of  
Owasso changed to Bath.

SEC. 17. The name of the township of Ossawa, township five north, of range one west, in the county of Clinton, is hereby changed, and shall hereafter be known and designated by the name of Bath.

Wakeman.

SEC. 18. All that part of the county of St. Joseph, designated by the United States survey as township five south, of range ten west, is hereby set off and organized into a separate township by the name of Wakeman, and the first township meeting shall be held at the school house near the residence of Timothy M. Kimble, in said township.

Line of Court-  
land extended.

SEC. 19. That the township line of the town of Courtland, in the county of Kent, be so extended as to embrace township nine north, of range eleven west.

Line of Lyons  
extended.

SEC. 20. That the township line of the township of Lyons, in the county of Ionia, be so extended as to include surveyed townships nine and ten north, of range six west.

Essex organized.

SEC. 21. All that portion of the county of Clinton, designated by the United States survey as township eight north, of range three west, be and the same is hereby set off and organized into a separate township by the name of Essex, and the first township meeting therein shall be held at the house of James Sowles, Jr. in said township.

Easton changed.

SEC. 22. All that portion of the county of Ionia, designated by the United States survey as township seven north, of range seven west, which lies north of the Grand river, be and the same is hereby set off and organized into a separate township by the name of Easton, and the first township meeting therein shall be held at the house of Joseph Richardson, in the said township.

Approved March 9, 1843.



[No. 89.]

AN ACT to divide the upper peninsular into six counties, and to define the boundaries of the same.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all that portion of the state of Michigan, known and designated as the upper peninsula, be and the same is hereby divided into six counties to be bounded and denominated as follows, to wit :

The county of Michilimackinac shall comprise all that portion of the state within the following limits : Commencing at a point in Lake Huron south of the line between ranges two and three (2 and 3) east, thence north to the north boundary of township forty-one (41) north, thence west to the line between ranges one and two (1 and 2) east, thence north to the north boundary of township forty-two (42) north, thence west to the meridian, thence north on said meridian to the north boundary of township forty-three (43) north, thence west on said township line to the line between ranges six and seven (6 and 7) west, thence north on said township line to the north boundary of township forty-four (44) north, thence west to the line between ranges seven and eight (7 and 8) west, thence north to the north boundary of township forty-five (45,) thence west on the north boundary of township forty-five (45,) to the line between ranges twelve and thirteen (12 and 13) west, thence south on said line to lake Michigan, thence eastwardly along the margin of the lake to the point first above described : Together with the islands of Bois Blanc, the St. Martins, St. Helena, the Chenaux, Michilimackinac and Round Island.

Boundaries of  
Michilimacki-  
nac county.

SEC. 2. The county of Chippewa shall comprise all that portion of the state included between the following limits, to wit: Beginning at a point on the line between ranges twelve and thirteen (12 and 13) west, where such line is intersected by the north boundary of township forty-five (45,) thence north to lake Superior, thence east and

Boundaries of  
Chippewa  
county.

south along the margin of said lake and the west bank of St. Mary's river to lake Huron, thence west to the point in said lake south of the line between ranges two and three (3 and 3) east, thence north and west along the boundary line of Michilneckine county to the place of beginning: Together with the islands in St. Mary's river, including Drummond's and Sugar Islands.

**County of  
Schoolcraft.**

SEC. 3. All that portion of the state embraced within the limits hereinafter specified, shall be laid off as a separate county, to be known and designated as the county of Schoolcraft, to wit: Beginning at a point in lake Superior north of the line between ranges twelve and thirteen (12 and 13) west, thence west along the margin of said lake to the line between ranges twenty-three and twenty-four (23 and 24) west, thence south along said line to the north boundary of township forty-one (41,) thence east to the line between ranges twelve and thirteen (12 and 13) west, together with Grand Island on lake Superior.

**County of  
Marquette.**

SEC. 4. All that portion of the state embraced between the line between ranges twenty-three and twenty-four (23 and 24) west, the north boundary of township forty-one (41,) the line between ranges thirty-seven and thirty-eight (37 and 38) west, and lake Superior, shall be laid off as a separate county to be known and designated as the county of Marquette.

**Ontonagon  
county.**

SEC. 5. All that portion of the State embraced within the line between ranges thirty-seven and thirty-eight [37 and 38] west, the north boundary of township forty-one [41,] the Montreal river and lake Superior, shall be laid off as a separate county, to be known and designated as the county of Ontonagon; together with the isle Royale of lake Superior.

**County of  
Delta.**

SEC. 6. All that portion of the state embraced within the following limits, shall be laid off as a separate county, to be known and designated as the county of Delta, to wit: Beginning at a point on lake Michigan south of the line between ranges twelve and thirteen [12 and 13] west, thence southwardly along the margin of said lake to Green Bay, thence along the north and west shores of said bay to

the Menomonic river, thence north westwardly along the boundary line between Michigan and Wisconsin, to the line between ranges thirty-seven and thirty-eight [37 and 38] west, thence east along the north boundary of township forty-one [41] to the line between ranges twelve and thirteen [12 and 13] west, thence south to the point of beginning.

SEC. 7. The counties of Schoolcraft, Marquette and Ontonagon shall be attached to the county of Chippewa for judicial purposes : Also, the county of Delta to the county of Michilimackinac for like judicial purposes.

Approved March 9, 1813.

[No. 90.]

AN ACT to authorize Samuel H. Farnsworth to build and maintain a dam across the north branch of the Menomonic river.

SECTION 1, *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Samuel H. Farnsworth, his heirs and assigns, be, and are hereby authorized to build a dam across the north branch of the Menomonic river, or channel north of the islands in said river, being the island to which the said Samuel H. Farnsworth has already erected a dam to the south bank of the Menomonic river in the county of Brown, and territory of Wisconsin, formerly built by William Farnsworth, and to make use of the same for hydraulic purposes.

Samuel H. Farnsworth authorize to build dam across north branch of Menomonic river.

SEC. 2. That the same dam shall not exceed six feet in height, or above high water mark of said river, and so long as the lock and sluice, or clute, is kept in repair according to an act passed by the legislative council of the territory of Wisconsin granting Samuel H. Farnsworth, his associates or assigns to build and maintain a dam across the south branch of the Menomonic river to be used for hy-

Height of dam

draulic purposes, approved February 13, 1911, and no longer.

SEC. 3. That the legislature of this state shall have the right to alter or amend this act at pleasure.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 9, 1913.

[No. 91.]

AN ACT for the relief of certain settlers on the University lands in the county of Oakland.

Auditor General authorized to issue certificates of purchase to certain individuals.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the auditor general or other proper person having charge of state lands, is hereby required to issue a certificate of purchase to Moses Rogers, for the east half of south east quarter of section thirty-one, in township one, north of range ten east. To Ira Dinham, for the east half of the south west quarter of the same section. To William Maiden, for the west half of the south west quarter of the same section. To William McDermott for the west half of the south west quarter of section thirty, in township one, north of range ten east. To Chauncey Wickson, the south west quarter of the same section. To Horatio Lee, George Maynard, and Patrick McDonald, for the north east quarter of the same section. To William Evans for the east half of the south east quarter of section nine, in township one north of range ten east. To Thomas Evans, for the east half of the north west quarter of the same section. To Andrew Hoffman, for the south half of the south east quarter of the same section. To James Hoffman, for the north half of the same quarter section in the manner, & at the price specified in the second and third sections of this act, provided that nothing in this act contained, shall authorize the sale of any of said lands at less than five dollars per acre.

SEC. 2. Upon the application of a majority of the persons named

in the first section of this act, the Governor shall appoint three dis- Governor to  
interested persons who shall proceed to examine and appraise all said appoint ap-  
lands at their actual value, and to issue a certificate to each of said pprisers.  
persons, which certificate shall contain the value thereof exclusive of Their duties.  
any improvements on said lots; and the expenses of such appraisal,  
shall in all cases be paid by the persons occupying the lands.

Sec. 3. On the presentation of such certificate of appraisal to the Person having  
charge of state  
lands to issue  
certificate.  
auditor general or other proper officer having charge of the state  
lands, he shall issue a certificate of purchase to all persons mentioned  
in the first section of this act, at the price specified in the certificate  
of appraisal, in the same manner, and upon the same terms as are  
now provided by law for the sale of university and primary school  
lands.

Sec. 4. If any of the persons mentioned in the first section of  
this act, shall neglect or refuse to present their certificate of ap-  
praisal, and shall neglect to pay the instalment as required by law  
for the sale of university and primary school lands, for six months  
after the passage of this act, they shall forever thereafter be depriv-  
ed of the benefits of this act.

Sec. 5. This act shall take effect and be in force from and after  
its passage.

Approved March 9, 1843.

[No. 92.]

An Act to authorize the Judge of Probate of the  
county of St. Clair, to grant a license to sell certain  
real estate.

SECTION 1. *Be it enacted by the Senate and House of Representa- Judge of Pro-  
tives of the State of Michigan,* That the judge of probate of the coun- bate St. Clair  
ty of St. Clair, be, and he is hereby authorized to grant unto Robert county grant  
Scott, and Daniel Gurney, administrators to the estate of Philo license to sell  
Leach. estate of Philo  
Leach.

Leach, deceased, license to sell a part, or all of the real estate which was the property of the said Philo Leach, at the time of his decease, if on a full hearing and examination of the condition of said estate, and the said judge of probate shall deem such sale to be necessary for the payment of the debts of said estate, and the charges of administering the same.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1843.

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[No. 93.]

AN ACT to amend an act to provide for the voluntary dissolution of corporations, and to prescribe the duties of receivers in chancery, in certain cases, and for other purposes, Approved April 15, 1839.

When any person who shall have given security for any bank shall redeem the amount at which the land was appraised, he shall be entitled to a discharge.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That section fifty-two of the act entitled an act to provide for the voluntary dissolution of corporations, and to prescribe the duties of receivers in chancery, in certain cases, and for other purposes, shall be repealed, and the following be adopted instead thereof.* "Section 52—any person who shall have given security for any such banking incorporation by mortgages upon real estate, or any person who shall have become, or may become the purchaser of such real estate so mortgaged, and who shall redeem in good faith a part of the debts and liabilities of such corporation equal to the amount at which such mortgages were appraised and received, shall upon satisfactory proof of such fact to be filed with the auditor general, be entitled to receive from him a release of such mortgages, and if the amount so redeemed by such person shall not equal the full value at which such mortgages were taken, then he

shall be entitled to a release of the proportionate amount of such mortgages, equal to the amount redeemed."

Approved March 9, 1843.

[No. 94.]

AN ACT to amend an act entitled an "An act to incorporate the Stockholders of the Michigan Insurance Company of Detroit," approved March 7, 1834, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section third of the act to which this is amendatory, be amended by striking therefrom the word "seventeen," preceding the word "directors," and inserting the word "seven," so that the same shall read: "the stock property, affairs and concerns of the said corporation shall be arranged and conducted by seven directors;" and also by adding at the end of said section the following: "and said stockholders, so acting as such inspectors of said election of directors, shall make out and subscribe a certificate setting forth the time and place of such election, and the names of the persons elected directors at such election, and cause the same to be entered of record upon the proper book of record kept by such corporation, and also a copy thereof to be published at the expense of said corporation, in one or more of the public newspapers published in the city of Detroit."

Seven directors shall conduct the affairs of the company.

Also, that section six of said act be amended by striking out of the second and third lines thereof, the words "or seven of the directors in the absence of the president;" also the words "and the transfer of shares;" also the word "insurance" and insert in lieu thereof the word "banking," also insert at the end of said section the words "or the provisions of this act."

Section six amended.

Amend section seven by striking out all of said section after the word "business."

Section nine amended.

Amend section nine by striking out the words "for stock or otherwise."

Section ten amended.

Amend section ten by striking out the words "by purchasing for the purpose of investing the capital stock, in any part or parts thereof, in the same, for the greater security, or by selling for the payment of its debts or when."

Section eleven and twelve stricken out.

Also, strike out section eleven.

Also, amend by striking out the whole of section twelve.

Section fourteen amended.

Also, amend section fourteen by striking out the words "at the time of its dissolution," and also the words "to the extent of their respective shares and no further;" also, by striking out "after the dissolution of said corporation," and insert "on such liability."

Company may issue notes and evidences of debt, &c.

SEC. 2. That it shall be lawful for the said Michigan Insurance Company, to issue notes or other evidences of debt, to be loaned or put in circulation as money, receive deposits, make discounts, and transact such other legitimate banking business as incorporated banks in this state may transact, by virtue of their respective acts of incorporation, on the conditions and subject to the provisions hereinafter contained: *Provided*, Said corporation shall not issue or put in circulation, notes or evidences of debt of a less denomination, or for a less sum than one dollar: *And provided further*, That said corporation shall not issue notes or other evidences of debt, except the same shall be payable on demand in gold or silver coin, and at the office or banking house of said corporation, to be located in the city of Detroit: *And provided further*, That said corporation shall be subject to the provisions of an act entitled "an act to repeal the suspension act passed April 12, 1841, and for other purposes," approved January 17, 1842: *And provided further*, Said corporation shall not demand or receive more than seven per centum per annum, for all loans or discounts.

PROVISO.

SEC. 3. The said corporation shall not issue or put in circulation as money, notes or other evidences of debt, to an amount exceeding



twice the amount of its capital actually paid in, in coin, and constantly in the vaults of said corporation; nor shall said corporation pay out, or put in circulation for any purpose, the notes of any other corporation whatever.

Circulation' not to exceed twice the amt of coin paid in, not to pay out notes of other corporations.

SEC. 4. For all notes or other evidences of debt, now issued or that may hereafter be issued by said Michigan Insurance Company, upon a refusal to pay the same by said Michigan Insurance Company, on demand at its office, or banking house, in business hours, or in case of its insolvency, the directors and stockholders thereof, or any person who may have been a director or stockholder within two years previous to such refusal to pay, or insolvency, their heirs, executors and administrators, shall be jointly and severally liable in their individual capacities, and such directors and stockholders may be sued upon any such liability of said corporation, jointly or severally and judgment may be recovered against them or either of them for all such sum or sums as they may fail to pay on such demand, whenever the payment of the same shall have been refused by said corporation on such demand, and any refusal of payment by said corporation of any such evidences of debt due by it, shall be presumptive evidence of insolvency. And any person or persons who may hold such evidences of debt against said corporation may upon refusal of payment of the same, by the said corporation upon demand, made during usual business hours, sue for the same, either the said corporation, or the directors, or stockholders, jointly or severally.

Directors and stockholders liable in their individual capacity.

May be sued.

SEC. 5. It shall be the duty of the directors, annually, or whenever required by the legislature, to furnish a statement, under oath or affirmation, of the condition of the company, stating the amount of deposits, the amount of bills in circulation, the amount of debts due from the directors, the amount of debts due from stockholders, the amount of debts due from all other persons or corporations, (not, however, naming them,) the amount of specie on hand, the amount of bills of other banks, the amount of their deposits in other banks, the amount of their real and other property not herein specified, the

Directors to furnish statement.

amount of capital actually paid in, and containing a faithful and true exhibit of the state of said company, which statement they shall also cause to be published in some newspaper at the seat of government: and the books, papers and vaults of said company shall be at all times open to the inspection of any committee of the legislature appointed for the purpose of examining into its condition, and of visitation and examination by the acting bank commissioner for the time being.

Statement to  
be published  
once in six  
months.

SEC. 6. The said corporation shall once in six months, cause a statement to be published in the state paper, which statement shall contain the following particulars:

What it must  
contain.

First. The names of the bona fide stockholders and the amount of stock owned by each.

Second. All elections of directors and officers, stating precisely the time of election, and the name of each director and officer so elected.

Third. Every transfer of stock, the time of such transfer, from whom and to whom made.

Such statements shall be accompanied with the following oath or affirmation, of the president and secretary of the institution, "I do solemnly swear (or affirm as the case may be,) that the foregoing statements are true"

SEC. 7. No transfer of any share or shares of said stock shall be made except in the office of said corporation, during the usual business hours of said corporation, and with the consent of a majority of the directors thereof.

SEC. 8. This act shall take effect and be in force from and after its passage; but it shall not be operative unless the whole of the stockholders of said Michigan Insurance Company shall, at a meeting of them called for that purpose, and of which, and its object, at least ten days notice shall be given, assent to the provisions of this act, and accept the same, which acceptance shall be certified under the seal of the corporation, and deposited in the office of the secretary of state.

Sec. 9. This act and the act to which this act is amendatory, may at anytime be altered, modified or repealed by the legislature.

Approved March 9, 1843.

[No. 95.]

**AN ACT** relative to crimes, and the punishment thereof.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section fifteen of chapter three and title one of part four of the revised statutes, be, and the same is hereby amended by adding to said section, "or by imprisonment for any specified number of years not less than ten, in the discretion of the court." Section 15 chap. 3, title 1, part 4, of the revised statutes amended.

Sec. 2. Section one and five of chapter eight, title one, of part four, of the revised statutes, and all laws contravening the provisions of this act, are hereby repealed. Section 1 & 5 of chap. 8, title 1, part 4, revised statutes repealed.

Approved March 9, 1843.

[No. 96.]

**AN ACT** to amend an act to incorporate the borough of Michilimackinac.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section four [4] of an act entitled an act for incorporating the borough of Michilimackinac, adopted April 6th, 1817, be, and the same is hereby amended by inserting in the third line of said section, the words following, "and on transient traders," so that the section as amended will read—"Section 4. And be it further enacted, That said borough in legal meeting assembled, shall have power to levy taxes on the polls and estate within Borough of Mackinac.

the limits of said borough and on transient traders, for such purposes as such borough shall think proper, not inconsistent with the provisions of the act incorporating the borough of Michilimackinac, passed April sixth, eighteen hundred and seventeen."

Approved March 9, 1843.

[No. 97.]

**AN ACT to change the name of Peter J. Lee.**

**James P. Lee.** *SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That from and after the passage of this act, it shall be lawful for Peter J. Lee to take and assume the name of James P. Lee, and by that name he shall be hereafter known and designated.*

Approved March 9, 1843.

[No. 98.]

**AN ACT to authorize the erection of certain Dams in Ingham, and other counties of this state.**

**David Porter and Lucinda Lockwood** authorized to build a dam on Grand river. *SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That David Porter and Lucinda Lockwood, their heirs and assigns, be, and they are hereby authorized and empowered to build a dam across Grand river, in Ingham county, on section number twenty-eight, in township number one north, of range number two west, nine feet in height, if they or either of them own the necessary land: Provided, That they, their heirs or assigns, shall construct the same therein or therewith, and keep the same in repair, a convenient and suitable lock for the passage of boats, rafts, canoes and other water craft, whenever the said lock shall, in the*

opinion of the associate judges of the circuit court of said county, be deemed necessary.

SEC. 2. That John W. Burchard, his heirs and assigns, be, and they are hereby authorized and empowered to build a dam across the Grand river, in Ingham county, on section number nine, in township number four north, of range number two west, not exceeding eight feet in height: *Provide*, Said John W. Burchard, his heirs and assigns, shall construct therein or therewith and keep in repair, a convenient lock for the passage of boats, rafts, canoes, and other water craft, whenever the associate judges of the circuit court of said county shall deem necessary; and provided also, that the said judges shall determine the place and dimensions of said locks.

John W. Burchard authorized to build a dam across Grand river.

SEC. 3. That Jesse Millerd, his heirs and assigns, be and they are hereby authorized and empowered to build a dam across the Huron river, in the county of Washtenaw, on section number thirty-one, in township number one south, of range number five east, not exceeding six feet in height above common low water mark, if he owns the necessary land on said section: *Provided*, that a convenient lock of not less than sixty feet in length and twelve feet in width shall be constructed therein or therewith, by him, his heirs or assigns, for the passage of boats, canoes, rafts and other craft, whenever the circuit court of said county shall so order upon good cause shown.

Jesse Millerd authorized to build a dam across Huron river.

SEC. 4. Any person or persons who shall destroy, or in any wise injure either of said dams or locks, shall be deemed to have committed a trespass on the owner or owners thereof, and shall be liable accordingly.

Penalty for destroying locks,

SEC. 5. Nothing herein contained shall authorize the person or persons above mentioned, or their heirs or assigns, to enter upon or flow, or injure the lands of any other person, without the consent of such person, and the legislature may at any time alter, amend or repeal this act: *Provided*, if at any time hereafter the water of any of said rivers should be required for the purpose of internal improvement or navigation, it shall not be lawful for any of the per-

No authority to flow land.

sons in this act named, their heirs or assigns, or any person or persons, owning said dams or any of them, to claim any damages therefor.

Approved March 9, 1843.

# RESOLUTIONS.

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[No. 1.]

Joint Resolution authorizing the Governor to employ a private Secretary.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Governor be and he is hereby authorized to employ a private secretary during the present session of the legislature, who shall be allowed such compensation for his services as the legislature may direct, not exceeding three dollars per day.

*Governor authorized to employ a private secretary.*

Approved Jan. 5, 1843.

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[No. 2.]

Joint Resolution of instruction relative to the importation of Railroad iron.

Whereas the late law of congress, imposing a duty on railroad iron imported from abroad, will add considerable to the expense of finishing and completing the public works of this state, and be exceedingly burdensome under the embarrassed state of our finances: And whereas the board of internal improvement have memorialized the congress of the United States, praying for the passage of a law authorizing the importation of railroad iron duty free: Therefore,

*Be it Resolved by the Senate and House of Representatives of the State of Michigan,* That our senators in congress be instructed and

Senators and representative in congress instructed, &c.

our representative be requested, to use all honorable means to secure the passage of a law, permitting the importation of iron for the purpose of constructing railroads to be made duty free.

Resolved, That the Governor be requested to transmit a copy of the foregoing preamble and resolution to each of our senators and representative in congress.

Approved January 11, 1813.

### [No. 3.]

#### Joint Resolutions in relation to Printing.

Daily journals of house and senate to be printed on same sheet, &c. to be printed in book form—payment but for one composition to be allowed.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the daily journals of the senate and house of representatives shall be printed daily on the same sheet and laid upon the tables of members of both houses; that after the correction thereof by the secretary and clerk respectively, the said journals shall be printed in book form regularly paged, and when bound shall be the journals required by law, and two hundred and fifty copies of each house shall be printed for binding; provided that payment for one composition only shall be allowed to the printer thereof.

To be printed in book form.

Resolved, That the documents hereafter authorised to be printed in pursuance of any law, shall be printed in book form and paged, and five hundred copies shall be preserved for binding.

Committee to receive sealed proposals, &c.

To give public notice, &c.

Resolved, That the committee on printing in the house, and the committee on printing in the senate be a joint committee, whose duty it shall be to receive sealed proposals for doing the printing aforesaid, together with the publication of the session laws of eighteen hundred and forty-three. And it shall be the duty of said committee to give public notice of the time and place of receiving such proposals and report the result of their proceedings to both houses as soon as may be.

Approved January 16, 1813.



## [No. 4.]

**Joint Resolution rescinding in part a joint resolution prohibiting new contracts on the public works.**

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the joint resolution prohibiting new contracts on the public works, approved January 18, eighteen hundred and forty-two, be so far rescinded that the board of internal improvement be and they are hereby authorized to let the contracts for furnishing timber and constructing bridges on the central railroad, between Marshall and the depot at Jackson: *Provided,* That in the opinion of the board of internal improvement, such letting is indispensable to a speedy and economical prosecution of said work, and provided, also, that the liability of the state will not be increased by such letting more than ten thousand dollars.

Board of internal improvement authorized to contract for building of bridges between Jackson and Marshall.

Approved January 17, 1843

## [No. 5.]

**Preamble and Joint Resolutions of instruction relative to the fine imposed by Dominick A. Hall, upon General Andrew Jackson.**

Whereas, Dominick A. Hall, a judge of the district court of the United States for the district of Louisiana, in the year of our Lord one thousand eight hundred and fifteen, did unjustly, and for an alleged contempt of his authority, impose a fine of one thousand dollars on General Andrew Jackson, which was paid by him:

And whereas the people of the state of Michigan, believe that the money so unjustly taken should be refunded with cost and interest: and whereas, by the genius of our free representative republic, the representative is bound to obey the will of his constituents:

## RESOLUTIONS.

lake Erie. The value and necessity of these improvements have been brought before you so often, that we deem it unnecessary to do more at present than to respectfully direct your attention to the reports in the topographical bureau in relation to the same, made during the last five years, by some of the most scientific and competent engineers of the topographical corps.

Next to these are the improvement of the flats of the St. Clair and at Saginaw, which can be done at a small expense, and are in the route of the western trade.

There is also a bar across lake George, in the St. Mary river, which can be so improved at a small expense, as to open a free navigation to the village of St. Mary for large boats, which would then bring from that port, about a quarter of a million per annum.

A light house at Point de Tour, at the mouth of the St. Mary's river, is also much needed. Vessels bound to the *Saut Ste Marie*, are now unable to enter that river except by day light, and, owing to the rugged coast and sunken rocks, are often placed in the utmost peril, and not unfrequently from these causes, are they obliged to seek shelter in the harbor of Presque Isle, or under the lee of Thunder Bay Island, some eighty miles distant. Was a light house built at *Point de Tour*, these dangers and delays would be overcome.

The construction of the canal around the falls of the St. Mary's river, is deemed to be of the utmost importance, not only to this state but to all the lake states, and indeed to the union at large. Until this canal shall be constructed, the vast internal resources of lake Superior, will continue to lie beyond the reach of the enterprise of our citizens.

This project, it may be added, has been favorably received in congress, and a bill granting one hundred thousand acres of public land once passed the United States senate, with a view to the construction of this work.

For all these purposes, an annual appropriation for two years, of two hundred thousand dollars, would be abundant, and would probably

were to the commerce of the United States the whole amount in less than five years.

We need not here urge upon the attention of congress the fact, that all these harbors, in case of a border war, are absolutely required for the safety of national shipping and army supplies. Nor need we say to the observant, that, in such a war, the ascendancy of the lakes will assuredly be decided on lake Michigan or Huron, between American shipping and a fleet which will be armed for the purpose in the inner harbors of lake Huron, under the protection of British fortifications. No longer will lake Erie be the scene of contention.

But the clear waters of lake Michigan, never yet stained with the blood of human strife, in case of another war, will become the scene of contention. There may new laurels be added to the escutcheon of our glory, by achievements as brilliant and victorious, and decisive as those of the illustrious Perry.

We therefore earnestly solicit these appropriations, and invite all the states who are interested, to co-operate with us—believing as we do, that this application rests upon the soundest principles of policy and justice.

Resolved, That our senators in congress be instructed, and our representative be requested to advocate promptly and energetically, the passage of an act by congress making appropriations suitable for the accomplishment of the objects contemplated by the said memorial.

Resolved, That the governor be requested to transmit two copies of this memorial to each of the governors of the states of New-York, Pennsylvania, Ohio, Indiana and Illinois, and the territory of Wisconsin, and ask their aid and co-operation, and that the same be laid before their respective legislatures.

Resolved, That the secretary of state transmit a copy of this memorial to the secretary of war, to Col. J. J. Abert, of the topographical department at Washington, and each of the members of congress from the states aforesaid.

Approved January 24, 1843.

[No. 7.]

# Joint Resolution of instruction in respect to an Indian treaty.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That our senators be, and they are hereby instructed to use their exertions in the ratification of the treaty lately negotiated with the Chippewa tribe of Indians residing in a part of this state, to cause to be expunged therefrom any article in said treaty which may stipulate for the continued occupancy, (during the pleasure of the President,) of the territory ceded by them to the United States, or which may provide that the laws of the United States in respect to trade and intercourse with the Indian tribes, shall be especially applicable to the territory acquired under this treaty, and continued in force therein until otherwise ordered by congress.

Resolved, That the Governor be requested to forward a copy of the above resolutions to each of our senators in congress.

Approved, January 24, 1843.

[No. 8.]

# Joint Resolution proposing an amendment to the Constitution.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the following amendment to section four of article four of the constitution of the state, be proposed to wit: Strike out the words "on the first Monday in November and on the following day," and insert the words "on the first Tuesday," so that the said section will read, the representatives shall be chosen annually on the first Tuesday of November by the electors of the several counties or districts into which the state shall be divided for that purpose.

## RESOLUTIONS.

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Resolved, That the same be published and referred to the next legislature according to the provisions of the tenth article of the constitution.

Approved February 6, 1843.

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### [No. 9.]

#### A Joint Resolution in relation to payments to the treasury.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That in payment of taxes, the treasury notes issued under the act of April 13, 1841, shall be receivable for the amount of tax assessed for state purposes, whether paid to the township, county or state treasury, but not for taxes assessed for county or township purposes: Provided, however, that the delinquent tax bonds issued to counties shall be receivable at the state treasury for all delinquent taxes then payable as said bonds become due.

Treasury notes issued under act of April 13, 1841, shall be received in paym't of state taxes.

Delinquent tax bonds received for delinquent taxes.

This resolution shall take effect from and after its passage.

Approved, February 10, 1843.

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### [No. 10.]

#### Joint Resolution authorizing the Secretary of State to contract for paper.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the secretary of state be authorized to contract with and purchase of any paper manufacturer in this state all paper to be used by such persons as the state treasurer has contracted, or

Secretary of state authorized to contract for paper.

## RESOLUTIONS.

lake Erie. The value and necessity of these improvements have been brought before you so often, that we deem it unnecessary to do more at present than to respectfully direct your attention to the reports in the topographical bureau in relation to the same, made during the last five years, by some of the most scientific and competent engineers of the topographical corps.

Next to these are the improvement of the flats of the St. Clair and at Saginaw, which can be done at a small expense, and are in the route of the western trade.

There is also a bar across lake George, in the St. Mary river, which can be so improved at a small expense, as to open a free navigation to the village of St. Mary for large boats, which would then bring from that port, about a quarter of a million per annum.

A light house at Point de Tour, at the mouth of the St. Mary's river, is also much needed. Vessels bound to the *Saut Ste Marie*, are now unable to enter that river except by day light, and, owing to the rugged coast and sunken rocks, are often placed in the utmost peril, and not unfrequently from these causes, are they obliged to seek shelter in the harbor of Presque Isle, or under the lee of Thunder Bay Island, some eighty miles distant. Was a light house built at *Point de Tour*, these dangers and delays would be overcome.

The construction of the canal around the falls of the St. Mary's river, is deemed to be of the utmost importance, not only to this state but to all the lake states, and indeed to the union at large. Until this canal shall be constructed, the vast internal resources of lake Superior, will continue to lie beyond the reach of the enterprise of our citizens.

This project, it may be added, has been favorably received in congress, and a bill granting one hundred thousand acres of public land once passed the United States senate, with a view to the construction of this work.

For all these purposes, an annual appropriation for two years, of two hundred thousand dollars, would be abundant, and would probably

save to the commerce of the United States the whole amount in less than five years.

We need not here urge upon the attention of congress the fact, that all these harbors, in case of a border war, are absolutely required for the safety of national shipping and army supplies. Nor need we say to the observant, that, in such a war, the ascendancy of the lakes will assuredly be decided on lake Michigan or Huron, between American shipping and a fleet which will be armed for the purpose in the inner harbors of lake Huron, under the protection of British fortifications. No longer will lake Erie be the scene of contention.

But the clear waters of lake Michigan, never yet stained with the blood of human strife, in case of another war, will become the scene of contention. There may new laurels be added to the escutcheon of our glory, by achievements as brilliant and victorious, and decisive as those of the illustrious Perry.

We therefore earnestly solicit these appropriations, and invite all the states who are interested, to co-operate with us—believing as we do, that this application rests upon the soundest principles of policy and justice.

Resolved, That our senators in congress be instructed, and our representative be requested to advocate promptly and energetically, the passage of an act by congress making appropriations suitable for the accomplishment of the objects contemplated by the said memorial.

Resolved, That the governor be requested to transmit two copies of this memorial to each of the governors of the states of New-York, Pennsylvania, Ohio, Indiana and Illinois, and the territory of Wisconsin, and ask their aid and co-operation, and that the same be laid before their respective legislatures.

Resolved, That the secretary of state transmit a copy of this memorial to the secretary of war, to Col. J. J. Abert, of the topographical department at Washington, and each of the members of congress from the states aforesaid.

Approved January 24, 1843.

## [No. 7.]

**Joint Resolution of instruction in respect to an Indian treaty.**

Representative and Senators in Congress instructed to use their exertions to cause to be expunged any article in said treaty which may stipulate for the occupation of the territory by United States, &c.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That our senators be, and they are hereby instructed to use their exertions in the ratification of the treaty lately negotiated with the Chippewa tribe of Indians residing in a part of this state, to cause to be expunged therefrom any article in said treaty which may stipulate for the continued occupancy, (during the pleasure of the President,) of the territory ceded by them to the United States, or which may provide that the laws of the United States in respect to trade and intercourse with the Indian tribes, shall be especially applicable to the territory acquired under this treaty, and continued in force therein until otherwise ordered by congress.

Resolved, That the Governor be requested to forward a copy of the above resolutions to each of our senators in congress.

Approved, January 24, 1843.

## [No. 8.]

**Joint Resolution proposing an amendment to the Constitution.**

Resolution proposing amendment of constitution

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the following amendment to section four of article four of the constitution of the state, be proposed to wit: Strike out the words "on the first Monday in November and on the following day," and insert the words "on the first Tuesday," so that the said section will read, the representatives shall be chosen annually on the first Tuesday of November by the electors of the several counties or districts into which the state shall be divided for that purpose.



## RESOLUTIONS.

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Resolved, That the same be published and referred to the next legislature according to the provisions of the tenth article of the constitution.

Approved February 6, 1843.

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### [No. 9.]

#### A Joint Resolution in relation to payments to the treasury.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That in payment of taxes, the treasury notes issued under the act of April 13, 1841, shall be receivable for the amount of tax assessed for state purposes, whether paid to the township, county or state treasury, but not for taxes assessed for county or township purposes: Provided, however, that the delinquent tax bonds issued to counties shall be receivable at the state treasury for all delinquent taxes then payable as said bonds become due.

*Treasury notes issued under act of April 13, 1841, shall be received in paym't of state taxes.*

*Delinquent tax bonds received for delinquent taxes.*

This resolution shall take effect from and after its passage.

Approved, February 10, 1843.

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### [No. 10.]

#### Joint Resolution authorizing the Secretary of State to contract for paper.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the secretary of state be authorized to contract with and purchase of any paper manufacturer in this state all paper to be used by such persons as the state treasurer has contracted, or

*Secretary of state authorized to contract for paper.*

## RESOLUTIONS.

may contract with for doing the printing ordered by the legislature for that purpose : Provided, the same shall be of as good quality and as cheap as can be purchased elsewhere.

Approved February 13, 1843.

## [No. 11.]

Joint Resolution relative to settlement with A. F. Bolton and David Porter.

State auditors  
to settle with  
Bolton and  
Porter.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the board of state auditors be, and they are hereby authorized to make a final settlement on just and equitable terms with A. F. Bolton and David Porter contractors for building the cells in the penitentiary.

Approved Feb. 23, 1843.

## [No. 12.]

Joint Resolution relative to payment of board of appraisers.

Commission-  
ers of internal  
improvement  
authorized to  
pay expenses  
of board of ap-  
praisers and  
salaries of en-  
gineers, &c.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the commissioners of internal improvement be, and they are hereby authorized to pay the expense of the board of appraisers and salaries of engineers, that have accrued or may hereafter accrue, out of the receipts of the public works on which they are employed, to be replaced to the credit of the sinking fund out of the first money that may come into the treasury to the credit of the internal improvement fund.

Approved March 6, 1843.

## RESOLUTIONS.

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### [No. 13.]

#### Joint Resolution relative to the claim of Austin M. Gould.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the claim of Austin M. Gould be, and the same is hereby referred to the board of state auditors, who are hereby authorized and required to make a just and equitable settlement of the same, and in case they shall award any sum to the said claimant, they are hereby authorized to give him a certificate for the amount awarded him, and the state treasurer is hereby required to pay said sum out of any moneys in the state treasury not otherwise appropriated.

Approved March 8, 1843.

### [No. 14.]

#### Joint Resolution concerning the construction of lateral branch of Central Railroad.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the board of internal improvement be directed to examine into the feasibility of constructing a lateral branch from the central railroad, at any point within two miles of its present eastern termination to the wharves on the Detroit river, and report their opinion of the expediency of constructing the same, together with an estimate of its cost, and submit the same to the next legislature.

Board of internal improvement directed to examine into feasibility of constructing branch for central railroad, and report to next legislature.

Approved March 8, 1843.

## RESOLUTIONS.

[No. 15.]

### Joint Resolution relative to the claim of James B. Hunt.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the claim of James B. Hunt, be and the same is hereby referred to the board of state auditors who are hereby authorized and required to make a just and equitable settlement of the same, and in case they shall award any sum to the said claimant they are hereby authorized to give him a certificate for the amount so awarded him, after deducting any sum that may be due from him to the state, and the state treasurer is hereby required to pay said sum out of any moneys in the state treasury not otherwise appropriated.

Approved March 8, 1843.

[No. 16.]

### Joint Resolution in relation to leasing the La Plaisance Bay Railroad.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the board of internal improvement be, and they are hereby authorized to lease if in their opinion it will be for the best interest of the state, the railroad laying between the southern railroad and La Plaisance Bay, in the county of Monroe, to the La Plaisance Bay company, or any other company, individual or individuals, for a term of years, not exceeding five: *Provided*, such terms are offered by such company, individual, or individuals, as, in the opinion of said board would be calculated to promote the public interest.

Approved March 8, 1843,

## RESOLUTIONS.

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### [No. 17.]

**Joint Resolution to amend the act to organize a land office, and to regulate the sale of the public lands.**

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the act entitled "an act to organize a land office, and to regulate the sale of the public lands," approved March sixth, eighteen hundred and forty-three, shall take effect and be in force from and after the passage of this resolution. Act when to take effect.

Approved March 8, 1843.

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### [No. 18.]

**Joint Resolution authorizing the delivery of certain public documents to Superintendent of Public Instruction and State Geologist.**

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the superintendent of public instruction, and state geologist, shall be entitled to one copy of each of the documents of both houses of the legislature, for the use of his office: *Provided,* there are single copies on hand in the office of secretary of state. Superintendent public instruction and state geologist entitled to documents, &c.

*Resolved,* That the secretary of state be, and he is hereby required to furnish annually to the said superintendent one hundred copies of the printed annual report of said superintendent, for the purpose of being by him distributed into the several states, as in his discretion may seem proper. Secretary of state required to furnish copies of report of superintendent for distribution.

Approved March 8, 1843.

## [No. 19.]

**Joint Resolution relative to the distribution of the session Laws, Journals, &c.**

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the officers and members of the present legislature be, and they are hereby entitled each to one copy of the session laws of eighteen hundred and forty-three, and the journals and documents of said year; and that the secretary of state is hereby required to forward the same to the county clerks of the several counties of this state for each officer and member, so soon as the same shall be printed and ready.

Officers and members of legislature entitled to laws, &c.

Secretary of state required to forward same to county clerks.

Approved March 9, 1843.

## [No. 20.]

**Joint Resolution relative to rooms of Chancellor.**

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the front south room in the capitol be furnished to the chancellor, and that the south rear room be set apart for the use of the adjutant general, and that the appropriation made to furnish the front room be expended by the adjutant general, in fitting up and furnishing the rear room aforesaid.

Front south room in capitol appropriated to chancellor.  
South rear room to adjutant general—appropriation to be expended on rear room.

Approved March 9, 1843.

## [No. 21.]

**Joint resolution in relation to delinquent tax bonds.**

*Resolved by the Senate and House of Representatives of the State of Michigan,* That all delinquent tax bonds due or to become due,

shall be receivable at the treasurer's office of this state in payment of all taxes due up to the year eighteen hundred and forty inclusive, provided the coupons thereunto attached shall not be receivable as above, unless due, nor shall any delinquent tax bond be so receivable from which the coupons to become due have been detached, unless the same shall be surrendered to the state treasurer.

Delinquent tax bonds due receivable at state treasurer's office, coupons not receivable unless due—bonds not receivable when coupons detached, &c.

Approved March 9, 1843.

## [No. 22.]

### Joint Resolution.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the joint resolution for amending the constitution of the state of Michigan, approved February fourth, eighteen hundred and forty-two, be submitted to the people at the next general election, and the secretary of state is hereby required to give notice of the same to the sheriffs of the several counties of this state in the same manner as he is now required to do in case of an election, for governor and lieutenant governor, in part first chapter two, title two, of the revised statutes of Michigan, and the inspectors of election shall prepare a suitable ballot box for the reception of ballots cast for and against said amendment; persons voting for said amendment, shall have written or printed upon their ballots the word amendment, those voting against it the words no amendment.

Joint resolution to amend state constitution to be submitted to people at next election. Secretary of state required to give notice to sheriff, &c. Inspectors of election to prepare ballot box.

Approved March 9, 1843.

## RESOLUTIONS.

[No. 23.]

**Joint Resolution relative to payment of certain claims  
from general fund.**

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the several sums appropriated in section second of an act making appropriations for expenses incurred prior to the first of January, eighteen hundred and forty-two, and made payable out of any moneys appropriated, or to be appropriated for the state prison, be made payable out of any moneys in the state treasury to the credit of the general fund not otherwise appropriated.

Approved March 9, 1843.

[No. 24.]

**Joint Resolution relative to Presiding Judge of Dis-  
trict Court.**

*Resolved by the Senate and House of Representatives of the State of Michigan,* That in all cases where the presiding judge of the district court for the counties of Wayne, Oakland, Washtenaw and Jackson, is or has been engaged as counsel, and which remain undetermined, it shall be competent for any judge or justice of the supreme court, to preside at such court in any of the counties thereof, for the trial and determination of said causes.

Approved March 9, 1843.



[No. 25.]

Joint Resolution relative to the running of the cars of the Detroit and Pontiac Railroad Company on the first day of the week.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That nothing in the third section of the act entitled "an act granting to certain debtors to the state the privilege of paying the state in state bonds, &c." approved February eleventh, eighteen hundred and forty-two, shall be construed to compel the Detroit and Pontiac railroad company to run their cars on the first day of the week.

Company not  
compelled to  
run cars on 1st  
day of week.

Approved March 8, 1848.



## **APPENDIX.**



# APPENDIX.

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## STATE TREASURER'S REPORT.

STATE TREASURER'S OFFICE, }  
Detroit, December 1st, 1842. }

*To the Legislature of the State of Michigan:*

In compliance with the provisions of law requiring an annual statement of the balance in the treasury, and a summary of the receipts and expenditures during the year preceding, and directing the fiscal year to close on the last day of November of each year, I have the honor to submit the following tables and abstracts, compiled from the books of this office for the past fiscal year.

Statements A 1, and A 2, exhibit summaries of the receipts and expenditures;—the first from December 1st, 1841, to January 21st, 1842, inclusive, when the books were balanced and delivered over to me by my predecessor,—and the second, from January 22nd, to the 30th ultimo, inclusive, the balance of the fiscal year.

By reference to the last annual report from this office, it will be perceived that the balance of available funds then in the treasury, amounted to \$89,100 15. The excess of expenditures over receipts to January 21st, was \$5,602 43, which after adding \$229 10, erroneously subtracted, in last report, from balance due by bank of Michigan, left the balance in the treasury at that date, \$83,726 82, consisting, as will appear by the ledger balances in the books, as delivered over to me by my predecessor, and given in a schedule accompanying this report, of cash \$44,735 23, and a balance due from bank of

Michigan of \$33,991 59. The excess of receipts over expenditures from January 22nd to November 30th, inclusive, amounted to \$25,787 03, which (exclusive of balance due from bank of Michigan, and which not being entered as cash in January, upon the books, is entered as a receipt, and was paid to the bank in part payment of their claim allowed by the board of auditors,) leaves a balance of available funds in the treasury on the 30th ultimo, of \$70,522 29.

Schedule B gives an abstract of the receipts and expenditures and transfers to and from each fund separately, shewing the debit or credit balances as reported last year, and as they now stand. In schedule C, is given a copy of the ledger balances, as stated on the books of this office on January 21st last; and schedule D, gives the balances, on the 30th ultimo.

I have annexed a statement marked E, obtained by a careful comparison of the books of this office, with those of the auditor general, made by the deputy state treasurer, exhibiting an abstract of the outstanding warrants against the several funds, amounting in the aggregate to \$293,321 01 ;—the same being balanced by a credit to the treasurer, on the auditor's books, for outstanding warrants, over the funds received by and there charged to him, of \$217,107 48, and by funds on hand as there stated.

Any detail, inconsistent with the nature of this report, in relation to the above abstracts or any other matter, which can be furnished from the books or papers of this office, will at all times be cheerfully afforded, when requested by the legislature, or any committee of either house.

JOHN J. ADAM,

*State Treasurer.*

## (A. 1.)

*Abstract of receipts and expenditures, and transfers on State Treasurer's books, from December 1st, 1841, to January 21st, 1842, inclusive.*

*Receipts.*

General fund,	\$1,075 43
Delinquent tax fund,	17,123 23
Sinking fund,	3,511 43
Treasury notes,	4,320 00
Treasury notes interest,	377 25
Primary school fund,	2,667 80
Primary school interest fund,	1,199 35
University fund,	150 60
University interest fund,	60 00
	<hr/>
	<u>\$30,469 59</u>

*Expenditures.*

General fund,	\$7,269 72
Contingent fund,	380 86
Delinquent tax fund,	12,708 97
Geological fund,	1,563 13
Internal improvement fund,	12,161 32
Treasury notes interest,	352 57
State prison fund,	92 68
Treasurer university,	1,542 77
	<hr/>
	<u>\$36,072 02</u>
Excess of expenditures,	<u>\$5,602 43</u>

*Transfers.*

## DR.

Sinking fund,	\$3,511 43
Internal improvement fund,	115 00
	<hr/>

*Transfers.*

## C2.

Internal improvement fund,	\$2,511 43
Bank of Michigan, for warrant paid,	115 00
Available balance reported Nov. 30th, 1841,	\$89,100 15
Deduct excess of expenditures,	5,002 43
	<hr/> \$84,197 72
Add this amount erroneously deducted from balance due by Bank of Michigan in report but standing to credit of Michigan State Bank on books,	229 10
	<hr/> \$84,726 82
Balance, Jan. 21st, 1842,	\$84,726 82
Vice Cash and coin sales,	\$44,775 53
Bank of Michigan,	28,991 50
	<hr/> <hr/> \$53,766 82
Unavailable funds Jan. 21, 1842, same as reported Nov. 30, 1841.	

## (A. 2.)

*Receipts and expenditures from January 22nd, to November 30th  
1842, inclusive.*

*Receipts.*

General fund,	\$42,303 55
Delinquent tax fund,	124,065 29
Primary school fund,	17,789 53
Primary school interest fund,	27,200 71
University fund,	3,365 67
University interest fund,	9,896 45
Sinking fund,	40,536 44
Internal improvement fund,	33,091 04
State building fund,	171 24
Bank of Michigan,	35,991 50
Unavailable fund,	491 75
	<hr/> <hr/> \$344,892 25



## APPENDIX:

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*Expenditures:*

General fund,	\$55,730 53
Contingent fund,	982 45
Library fund,	23 00
State prison fund,	1,000 00
Toledo war fund,	8 76
Delinquent tax fund,	54,601 30
Primary school fund,	2,868 43
Primary school interest fund,	18,534 34
University interest fund,	10,146 45
Internal improvement fund,	68,728 90
Treasury notes,	93,602 00
Treasury notes interest,	6,931 03
Unavailable fund,	640 50
Attorney general, for collection;	5,307 50
	<u>\$319,105 19</u>

Receipts over expenditures;

\$25,787 06

Included above as expenditures, but which are not properly such, are items under the head of Treasury notes, primary school fund, and Attorney General for collection, amounting to \$100,909 50; the first being a credit for treasury notes burned; \$2,000 of the second for moneys loaned to Wesleyan Seminary, in pursuance of a joint resolution passed February 17, 1842; and the latter, a draft put in the hands of the Attorney General for collection:

(B.)

*General Fund.*

1842.

DR.

To amount overdrawn, November 30th, 1841;	\$25,304 39
Cash warrants paid December 1st, 1841,	
to January 21st, 1842,	\$7,269 72
do. do. January 22d to November 30th, 1842,	55,730 53
Carried forward,	<u>63,000 25</u>
	\$

Brought forward,	\$
Contingent fund, amount transferred under act No. 73, 1842,	1,000 00
State prison fund, transferred under act No. 84, 1842,	1,500 00
Unavailable fund, loss on uncurrent money received of G. Spencer,	355 00
Bank fund to balance account,	3,800 50
Balance on hand, November 30th, 1842,	10,327 48
	<u>\$105,287 62</u>

*General Fund.*

1842.	CR.	
By cash, amount received December 1st,		
1841, to January 21st, 1842,	1,075 43	
do. do. Jan. 22d to Nov. 30,	49,302 55	
	<u></u>	\$50,377 98
Delinquent tax fund, amount transferred under act No. 8, 1842,		15,000 00
do. do. for warrants paid from general fund,		441 24
do. am't transferred under act No 74, 1841, viz:		
Office charges to November 30th, 1839, \$1,450 82		
do. to March 31, 1840, and half do. to		
November 30, 1840,	1,755 51	
Half do. to April 13, 1841, and whole do.		
to November 30, 1841,	3,508 67	
	<u>6,715 00</u>	
Less charges on taxes refunded,	9 95	
	<u></u>	6,705 05
Office charges, Dec. 1, 1841, to Nov. 30, 1842, less amount refunded,		3,965 74
Delinquent tax fund, amount state tax for 1841, in Wayne, Washtenaw, Jackson, Calhoun, Kalamazoo, Oakland and Macomb counties, paid by return of delinquent taxes,		25,387 21
Sinking fund, paid postage of legislature, under joint resolution No. 4, 1842,		265 87
	<u></u>	
Carried forward,	\$	

Brought forward,	\$
Internal improvement fund, part expense, scrip, paid from general fund,	132 38
Militia, amount of unexpended appropriation,	947 21
Toledo war fund,	2,064 99
	<u>\$105,287 62</u>

*Contingent Fund.*

1842.	DR.
To cash, paid warrants, December 1st, 1841, to November 30th, 1842,	\$1,363 31
Balance on hand, November 30th, 1842,	805 24
	<u>\$2,168 55</u>

*Contingent Fund.*

1842.	CR.
By balance, November 30th, 1841,	\$1,150 55
General fund, am't transferred under act No. 73, 1842,	1,000 00
Library fund, for warrant paid from contingent fund,	18 00
	<u>\$2,168 55</u>

*Library Fund.*

1842.	DR.
To cash, paid warrant,	\$23 00
contingent fund, amount warrant paid from contingent fund,	18 00
balance on hand, November 30, 1842,	3,095 72
	<u>\$3,136 72</u>

*Library Fund.*

1842.	CR.
By balance on hand, November 30, 1841,	\$3,136 72

*State Prison Fund.*

1842.	DR.
To cash, paid warrants, Dec. 1, 1841, to Nov. 30, 1842,	\$1,092 60
balance on hand, November 30, 1842,	500 00
	<u>\$1,592 68</u>

*State Prison Fund.*

CR.

By balance on hand, November 30, 1841,	\$92 68
general fund, amount transferred under act No. 84, 1842,	1,500 00
	<u>\$1,592 68</u>

*Toledo War Fund.*

1842.

DR.

To cash, amount paid on roll,	\$8 76
general fund, unexpended balance transferred back,	2,064 99
Being credit balance, November 30, 1841,	<u>\$2,073 75</u>

*Delinquent Tax Fund.*

1842.

DR.

To cash, warrants paid Dec. 1, 1841, to Nov. 30, 1842,	\$67,310 27
general fund, transferred under act No. 8, 1842,	15,000 00
do. amount warrants paid by general fund,	441 24
do. office charges transferred under act No. 74, 1841, from April, 1839, to November 30, 1842,	10,670 79
do. state tax for 1841, paid by return of delinquent taxes,	25,387 21
balance on hand, November 30, 1842,	85,418 08
	<u>\$204,227 59</u>

*Delinquent Tax Fund.*

1842.

CR.

By balance on hand, November 30, 1841,	\$63,033 97
cash, amount received for taxes, December 1, 1841, to November 30, 1842,	141,193 62
	<u>\$204,227 59</u>

*Primary School Fund.*

1842.

DR.

To cash, loaned Wesleyan Seminary under joint resolution No. 41, 1842,	\$2,000 00
do. paid warrants favor Thomas Reals, under act No. 106, 1840,	868 43
credit balance, November 30, 1842,	29,665 16
	<u>\$32,533 59</u>

*Primary School Fund.*

1842.

CR.

By balance on hand, November 30, 1841,	\$12,076 27
cash, received on account of principal on school lands sold,	20,457 32
	<u>\$32,533 59</u>

*Primary School Interest Fund.*

1842.

DR.

To amount overdrawn, November 30, 1841,	\$1,095 89
cash, paid warrants, December 1, 1841, to November 30, 1842,	18,534 34
balance on hand, November 30, 1842,	8,769 83
	<u>\$28,400 06</u>

*Primary School Interest Fund.*

1842.

CR.

By cash, received for interest on school lands sold and principal loaned,	<u>\$28,400 06</u>
---	--------------------

*University Fund.*

1842.

DR.

To credit balance, November 30, 1842,	\$4,520 67
---------------------------------------	------------

*University Fund.*

1842.

CR.

By balance, November 30, 1841,	<u>\$1,025 00</u>
Carried forward,	\$1,025 00

Brought forward,	\$1,025 00
By cash, received for principal on university lands sold, or rented,	3,495 67
	<u>\$4,520 67</u>

*University Interest Fund.*

1842.	DR.
To cash, amount warrants paid December 1, 1841, to November 30, 1842,	\$10,146 45

*University Interest Fund.*

	CR.
By balance on hand, November 30, 1841, cash, received for interest on university lands sold and principal loaned,	\$200 00 9,946 45
	<u>\$10,146 45</u>

*State Buildings Fund.*

1842.	CR.
By amount on hand, November 30, 1841, cash received on account of state building lands,	\$1,399 95 171 24
Balance on hand, November 30, 1842,	<u>\$1,571 19</u>

*Geological Fund.*

1841.	DR.
To cash, paid warrants December 1, 1841, to Novem- ber 30, 1842,	\$1,563 13
balance on hand November 30, 1842,	200 00
Being balance on hand, November 30, 1841,	<u>\$1,763 13</u>

*Sinking Fund.*

1842.	DR.
To Internal Improvement fund, balance transferred, January 21st, 1842,	\$3,511 43
" Internal Improvement fund, balance transferred, November 30th, 1842,	40,220 71
Carried forward,	<u>\$</u>

## APPENDIX.

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To general fund, amount paid from sinking fund, under resolution No. 4, 1842,	265 87
" unavailable fund, loss on uncurrent money received of S. Conant by auditors,	116 00
	<u>\$44,114 01</u>

*Sinking Fund.*

1842.

CR.

By amount paid in internal improvement fund warrants, December 1, 1840, to January 21, 1842,	\$3,511 43
By cash, treasury notes, &c. paid in from January 22, to November 30, 1842,	40,536 44
By unavailable fund, proceeds of uncurrent money left belonging to sinking fund,	66 14
	<u>\$44,114 01</u>

*Internal Improvement Fund.*

1842.

DR.

To amount overdrawn, November 30, 1841,	\$209,742 34
To amount paid warrants and claim of Bank of Michigan, allowed by auditors,	80,890 22
To general fund, part expense scrip, amount paid from general fund,	132 33
To unavailable fund, loss on uncurrent money received of J. Monroe,	294 00
To unavailable fund, loss on Ypsilanti and Detroit City Bank bills on hand,	373 01
To unavailable fund, warrants received for uncurrent moneys belonging to internal improvement fund,	396 64
	<u>1,038 65</u>
	<u>\$291,803 54</u>

*Internal Improvement Fund.*

1842.

CR.

By proceeds of bond of Bank of Gibraltar and received from trustees state assets, &c.	\$33,091 04
By sinking fund, for balances transferred,	43,732 14
By unavailable fund, uncurrent money received of John Monroe, under act No. 76, 1842,	867 00
By this amount error to credit Michigan State Bank on treasurer's books,	229 10
By amount overdrawn, November 30th, 1842,	214,384 26
	<u>\$291,803 54</u>

*Treasury Notes.*

1842.

DR.

To amount destroyed up to November 30th, 1842,	\$93,602 00
To balance of notes issued, under act of April 13, 1841,	164,518 00

Total amount issued,	<u>\$258,120 00</u>
----------------------	---------------------

*Treasury Notes Interest.*

1842.

DR.

To amount interest paid to November 30th, 1841,	\$257 23
" " " Dec. 1, 1841, to Nov. 30, 1842,	7,283 60
	<u>\$7,540 83</u>

*Treasury Notes Interest.*

1842.

CR.

By amount interest charged on notes paid out, to November 30th, 1841,	\$377 25
By balance of interest paid to November 30th, 1842,	7,163 58
	<u>\$7,540 83</u>

*Unavailable Fund.*

1842.

DR.

To balance uncurrent money, &c. on hand, November 30th, 1841,	<u>\$1,411 50</u>
---	-------------------

Carried forward,

8



## APPENDIX.

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Brought forward,	\$1,411 50
To Ypsilanti and Tecumseh railroad company, amount draft returned protested in 1839,	1,530 00
To cash, amount uncurrent money received of S. Conant and G. Spencer,	640 50
To internal improvement fund, do. received of John Monroe,	367 00
To sinking fund, proceeds of uncurrent money belong- ing to sinking fund,	66 14
	<u>\$4,015 14</u>

*Unavailable Fund.*

1842.	CR.
By proceeds of sundry unavailable funds disposed of,	\$491 75
By internal improvement fund, for do.,	660 64
By internal improvement fund, loss on Bank of Ypsilanti and Detroit City Bank bills,	378 01
By general fund, loss on unc. money rec'd of G. Spencer,	355 00
By sinking fund, " " " S. Conant,	116 00
By unavailable funds on hand, Nov. 30th, 1842,	2,013 74
	<u>\$4,015 14</u>

*Attorney General.*

1842.	DR.
To funds in hand for collection, Nov. 30, 1841,	\$10,000 00
To draft since left for collection,	5,307 50
	<u>\$15,307 50</u>

(C.)

*Ledger balances on State Treasurer's Books, when transferred by  
George W. Jermain, late Treasurer, January 21, 1842.*

1842.

DR.

Cash,	\$44,735 23
General fund,	81,498 68
Bank fund,	3,800 50
Internal improvement fund,	218,392 23
Ypsilanti and Tecumseh railroad company,	1,530 00
Bank of Michigan,	38,991 59
Attorney General,	10,000 00
Unavailable fund,	1,411 59
Treasury notes, interest,	232 55
	<hr/>
	\$350,592 28

1842.

CR.

Militia,	\$947 21
Contingent fund,	769 69
Library fund,	3,136 72
University fund,	1,155 00
Fund for state buildings,	1,399 95
Michigan State Bank,	229 10
Delinquent tax fund,	67,453 33
Primary school interest fund,	103 46
Geological fund,	200 06
Toledo war fund,	2,073 75
University interest fund,	260 00
Treasury notes,	258,120 00
Primary school fund,	14,744 07
	<hr/>
	\$350,592 28

1842.

DR.

Detroit and Pontiac railroad company,	\$100,000 00
Palmyra and Jacksonburg railroad company,	20,000 00
University of Michigan,	100,000 00
State of Michigan,	5,351,000 00

Carried forward,

8

Brought forward,		•
*Ford & Son,		25,347 09
State prison,		14,652 91
J. H. Titus, commissioner,		3,257 67
Delinquent taxes,		243,019 36
United States Bank, New-York,		386,800 00
Morris Canal and Banking Company,		164,895 00
Ingham county,	\$100 00	
Mackinaw county,	23 59	
Chippewa county,	55	
		<hr/> 124 14
		<hr/> 6,409,086 17

1842.

CR.

State bonds,		5,611,000 00
*State taxes,		123,013 03
State penitentiary,		3,257 67
Interest on state stocks,		551,685 00
Delinquent tax scrip,		117,270 72
Kalamazoo county,	28 42	
Hillsdale county,	1,871 65	
St. Joseph county,	675 16	
St. Clair county,	16 88	
Cass county,	267 64	
		<hr/> 2,859 75
		<hr/> 6,409,086 17

\*NOTE.—The above accounts under the \* on both sides, being most of them accounts discontinued on the Treasurer's books, since 1840, and there being no utility or propriety in keeping any of them, since the opening of a set of auxiliary books by the Auditor General, they have all been balanced and closed.

## (D.)

*Ledger balances on State Treasurer's Books, November 30th, 1842.*

1842.	DR.	
Cash,		\$70,522 29
Internal improvement fund,		214,384 28
Treasury notes interest,		7,163 58
Attorney General,		15,307 50
Unavailable fund,		2,018 74
		<hr/>
		<u>\$309,391 37</u>

1842.	CR.	
General fund,		\$10,327 48
Contingent fund,		805 24
Library fund,		3,095 72
State prison fund,		500 00
Geological fund,		200 00
State building fund,		1,571 19
Primary school fund,		29,665 16
University fund,		4,520 67
Primary school interest,		8,769 83
Delinquent tax fund,		85,418 08
Treasury notes,		164,518 00
		<hr/>
		<u>\$309,391 37</u>

1842.	DR.	
State of Michigan,		\$5,391,000 00
University of Michigan,		100,000 00
Detroit and Pontiac Railroad Company,		100,000 00
Palmyra and Jacksonburg Railroad Company,		20,000 00
		<hr/>
		\$5,611,000 00

1842.	CR.	
State Bonds,		\$5,611,000 00
		<hr/>

## (E.)

*Outstanding Warrants, November 30, 1842.*

1842.

DR.

Internal improvement fund,	\$262,024 98
General fund,	17,489 26
State prison fund,	1,250 77
Geological fund,	200 00
Delinquent tax fund,	548 20
Primary school fund,	11,019 00
Primary school interest fund,	888 80
	<hr/>
	<u>\$293,421 01</u>

1842.

CR.

The Treasurer being credited on the books of the Auditor General, by all warrants drawn against the several funds, there is a balance to his favor, on account of outstanding warrants, over and above funds received by and charged to him, of

\$217,107 48

Of funds received and charged, there is on hand a cash

balance of

70,522 29

In hands of Attorney General,

5,307 50

Unavailable funds, (exclusive of \$1,530 not charged

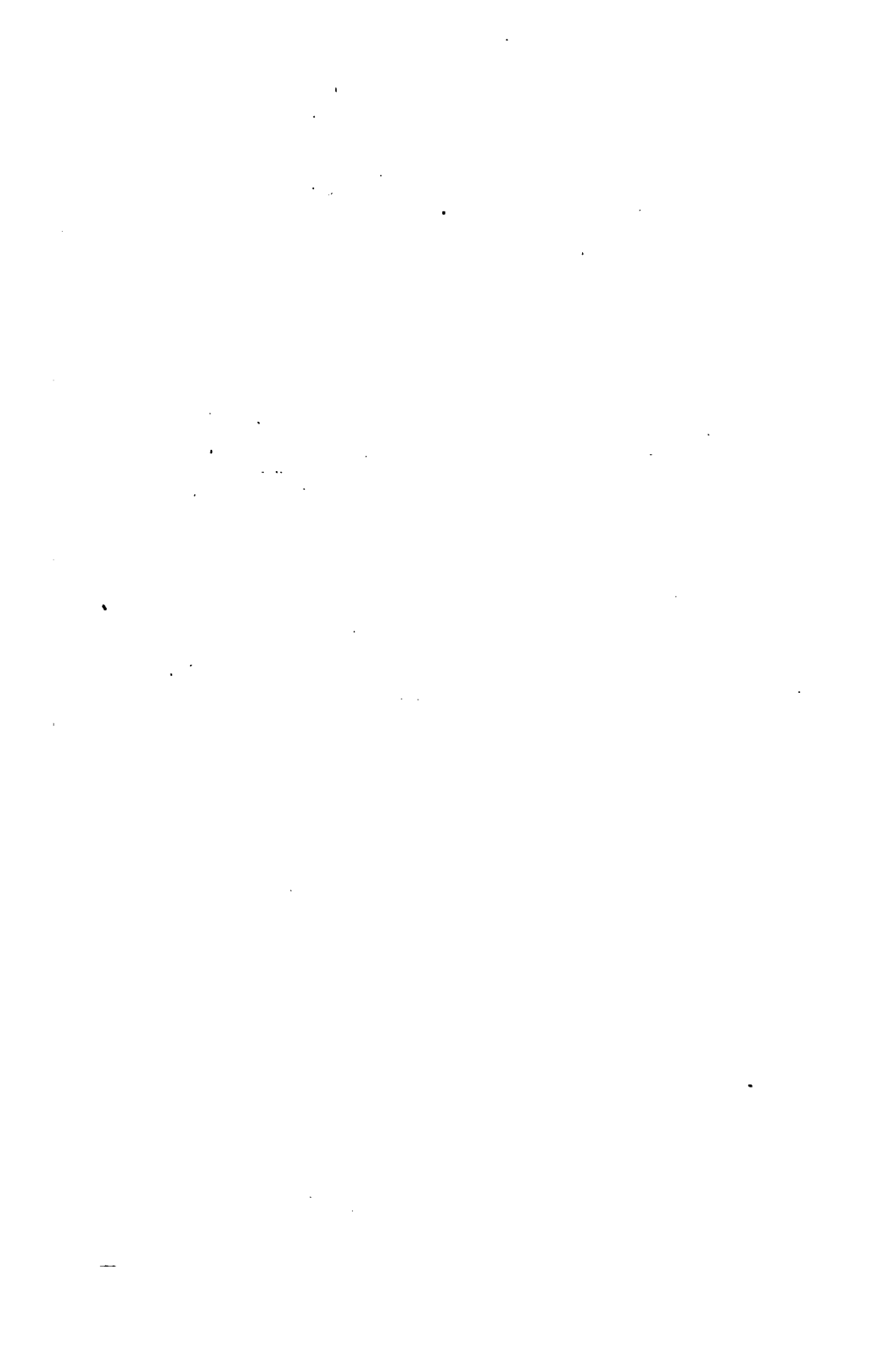
Treasurer on Auditor's books,)

483 74

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\$293,421 01


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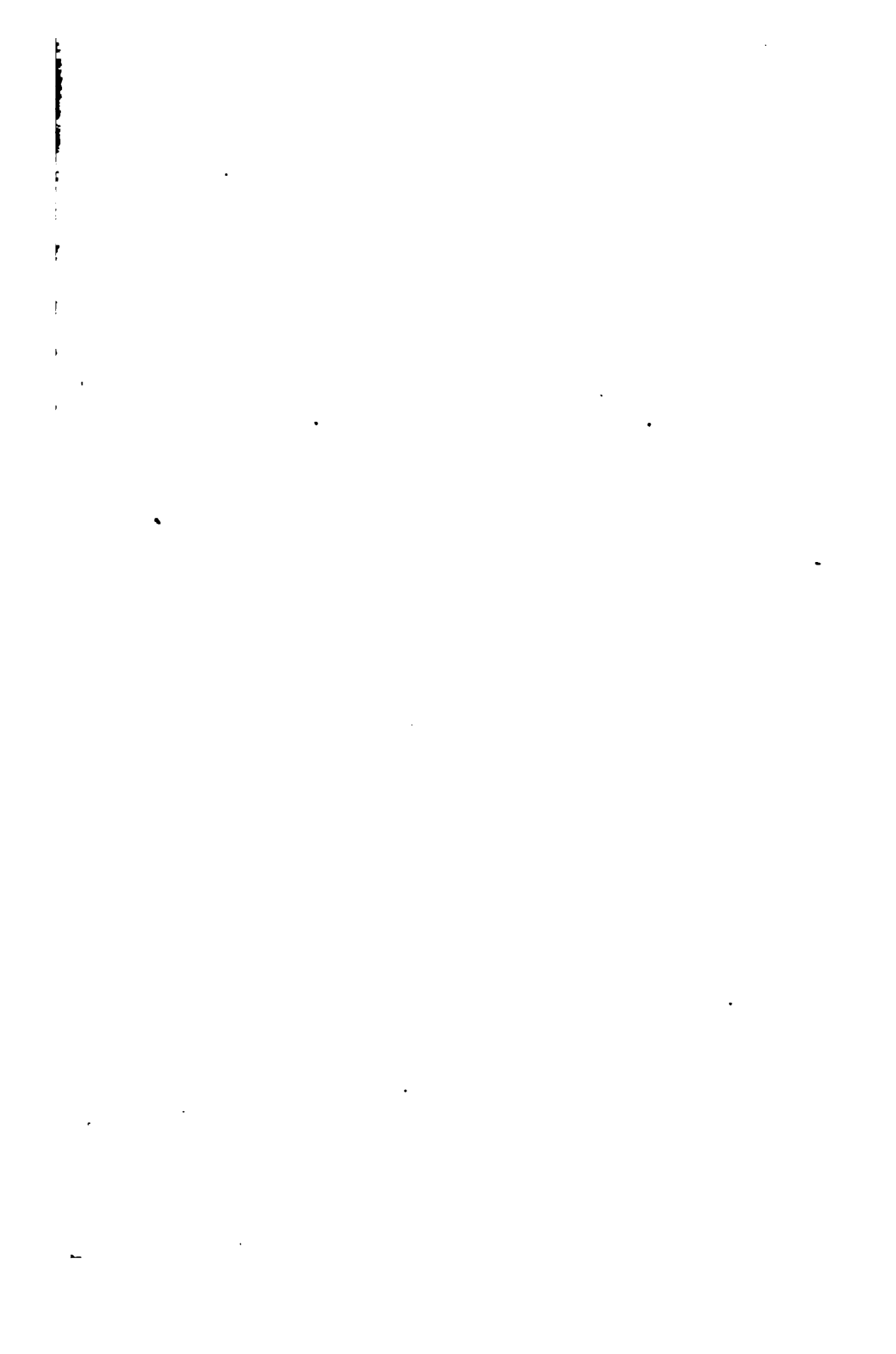
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# LAWS OF MICHIGAN.

## No. 1.

### AN Act to provide for the payment of Officers and members of the Legislature.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there be and is hereby appropriated out of any moneys in the state treasury, the sum of fifteen thousand dollars, for the payment of members and officers of the legislature for the present year, and for defraying the incidental expenses thereof. \$15,000 dollars appropriated for payment of officers and members & for incidental expenses

Sec. 2. The state treasurer is hereby authorized and directed, out of the appropriation aforesaid, to pay the members of the legislature for the present year, from time to time upon the certificate of the President of the Senate and Speaker of the House of Representatives respectively, such sums as may be due to the several members thereof, at the rate of three dollars per day and three dollars for every twenty miles travel, to and from the capitol: And to the President of the Senate, to be certified by the Secretary of the Senate, and to the Speaker of the House of Representatives, to be certified by the Clerk thereof, six dollars per day each, and travel as aforesaid: And to the Secretary of the Senate, and Clerks and Sergeants at Arms of the two Houses respectively, three dollars per day each: and to the Messengers of said Houses, one dollar per day each: and to the Firemen of said Houses, one dollar and fifty cents per day, each, on the certificate aforesaid. State treasurer authorized to pay members on certificate of Speaker of the H. and of President of Senate respectively, \$3 per day each. Pres't of Senate and S. of H. to be paid \$6 per day, Sec of S., cl'ks. serg'ts at arms of both houses to be paid \$3 per day each, messengers \$1 per day firemen \$1.50 per day each.

Sec. 3. The State Treasurer is hereby authorized to make any transfer of funds that may be necessary for the purposes of this act. S. Treas'r. authorized to change funds.

## LAWS OF MICHIGAN.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved January 15, 1844.

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No. 2.

AN ACT to attach certain lands to the township of Georgetown.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that part of the county of Ottawa, included in the fractional sections, number one, twelve and thirteen, in township number six north, of range number thirteen west, lying on the north side of Grand River, be and the same is hereby attached to the township of Georgetown in said county.

Frac. sec. 1  
12 and 13 s  
6, n r 13 w  
attached to  
township of  
Georgetown

Sec. 2. All acts and parts of acts contravening the provisions of this act be and they are hereby repealed.

Approved January 19, 1844.

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No. 3.

AN ACT to provide for the claim of Alfred French.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the claim of Alfred French for services and expenses in the apprehension of Ira B. Strong upon the requisition of the Governor of this state, be audited and allowed at such sum as the auditor general shall deem reasonable, and paid in the manner provided in section six, chapter six, title two, part four of the revised statutes.

Auditor Gen  
eral authori  
zed to pay  
the claim in  
manner pro-  
vided in sec.  
6, chapter 6,  
title 2, part  
4, rev. sta-  
tutes.

Approved January 19, 1844

No. 4.

AN ACT to amend the charter of the village of Marshall.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section five, of an act entitled "an act to amend an act, entitled an act to amend an act to incorporate the village of Marshall, and for other purposes," approved March eighth, eighteen hundred and forty-three, be, and the same is hereby repealed. Section five of act, repealed.

Sec. 2. This act shall take effect from and after its passage.

Approved January 24, 1844.

No. 5.

AN ACT to extend the time for the collection of taxes in the counties of Genesee, Clinton, Shiawassee, Kent, Lapeer and St. Clair.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection of taxes for the year eighteen hundred and forty-three, in the several townships of the counties of Genesee, Clinton, Shiawassee, Kent, Lapeer and St. Clair, in this State, is hereby extended until the first Monday in March next. Time extended to Monday in March, 1844.

Sec. 2. The treasurers of the several townships in the counties of Genesee, Clinton, Shiawassee, Kent, Lapeer and St. Clair, are hereby authorized and empowered to proceed and collect said taxes, as fully as they could do during the life time of their warrants, and make their returns thereon at any time before the first Monday in March next. Township treasurers authorized to collect taxes.

Sec. 3. It shall be the duty of the treasurers in the several townships of the counties of Genesee, Clinton, Shiawassee, Kent, Lapeer and St. Clair, before they shall be entitled to the benefits of this act, to renew their official bonds to the satisfaction of the county treasurers of the counties of Genesee, Clinton, Shiawassee, Kent, Lapeer and St. Clair. Township treasurers to renew their official bonds.

Highway  
taxes re-  
jected and re-  
assessed  
may be paid  
in labor.

Sec. 4. All highway taxes in the county of Clinton which have been rejected for the tax of any previous year and re-assessed with the tax of eighteen hundred and forty-three, and now in the hands of the several township treasurers for collection, may be paid in labor upon the road in the highway districts where said lands are situated, upon application being made to the overseer of said district by the person against whom the tax is assessed, which overseer is hereby authorized and required to contract with such applicant at a just and fair compensation, by the day or otherwise, for so much labor as shall be necessary to pay the amount of said tax, and upon the completion of said work, said overseer shall give to said applicant a receipt specifying the land and the amount paid, which receipt when presented to the collecting officer, and upon payment of all legal charges, shall be in full for said tax.

Overseer to  
give receipt  
when pay-  
ment of tax  
in labor and  
receipt to be  
evidence in  
full.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 24, 1844.

## No. 6.

### AN ACT relative to Slander.

Words char-  
ging any fe-  
male with  
want of cha-  
stity made  
actionable  
in themselves

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the words charging any female with a want of chastity, shall be deemed to be actionable in themselves and shall subject the person who shall utter and publish such words, to an action on the case for slander in the same manner as the uttering and publishing of words charging the commission of a criminal offence.

Approved January 26, 1844.

No. 7.

**AN ACT** to amend an act entitled "An act to authorize the erection of a Toll Gate, and for keeping in repair the Detroit and Saginaw Road, and for other purposes, approved March eighth, eighteen hundred and forty-three."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the second section of the act to which this is amendatory be so amended as to make it the duty of the Superintendent to put and keep in good repair in the manner prescribed in said section, the road mentioned in said act from the grand circus in the city of Detroit to John Davis' tavern, in the town of Royal Oak.

Road to be kept in repair from grand circus Detroit, to John Davis' tavern in Royal Oak.

Sec. 2. That there be added to the rates of toll enumerated in the fifth section of said act as follows, to wit: for every cart, waggon, or carriage drawn by one horse, six and one fourth cents.

Addition to rates of toll.

Approved January 26, 1844.

No. 8.

**AN ACT** to amend "an act to provide for the laying out of a certain state road and for other purposes," approved April thirteenth, eighteen hundred and forty-one.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Charles Broas, Zenas G. Windsor and Samuel Demarrest, be and they are hereby authorized to lay out and establish a state road from the village of Lyons, in the county of Ionia, via. Millport bridge in the township of Otisco, and continuing on the most eligible route through the township of Plainfield on the north side of Grand River to Grand Rapids, in the county of Kent, and file the survey of so much of the said road in the office of the township clerk of each township, through which said road shall pass, as shall be laid out in such township, "provided that no expense incurred in laying out, establishing or constructing said road, shall be chargeable to the state."

State road authorized to be laid out and established from Lyons Ionia co. to Grand Rapids Kent co.

No expense chargeable to the state.

Sec. 2. Be it further enacted, that the further time of two years be granted to the aforesaid persons for the laying out and completion of said road.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved January 29, 1844.

## No. 9.

### AN ACT to punish persons criminally who are guilty of seduction or adultery, and for other purposes.

**Any married man who shall seduce and beget with child any unmarried woman under the age of 21 years, deemed guilty of a high misdemeanor.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That any married man who shall seduce and beget with child, any unmarried woman under twenty-one years of age shall be guilty of a high misdemeanor, and upon conviction thereof, shall be punished in the state prison for a term not exceeding five years, or by imprisonment in the county jail for a term not exceeding one year, or by fine not exceeding two thousand dollars or by both such fine and imprisonment in the county jail in the discretion of the court.

**Punishment.**

**Any married man who seduces an unmarried woman over 21 years.**

Sec. 2. Any married man who shall seduce and beget with child, any unmarried woman over twenty-one years of age, shall be guilty of a high misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the state prison for a term not exceeding three years, or by imprisonment in the county jail for a term not exceeding one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the county jail, in the discretion of the court.

**Punishment.**

**Unmarried man with unmarried woman under 21.**

Sec. 3. Any unmarried man who shall seduce and beget with child any unmarried woman under twenty-one years of age, shall be deemed guilty of a high misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the state prison for a term not exceeding three years, or by imprisonment in the county jail for a term not exceeding one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the county jail in the discretion of the court.

**Punishment.**

Sec. 4. Any unmarried man who shall seduce and beget with child any unmarried woman over the age of twenty-one years, shall be deemed to be guilty of a high misdemeanor, and upon conviction thereof shall be punished by imprisonment in the state prison for a term not exceeding two years or by imprisonment in the county jail for a term not exceeding one year, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment in the county jail in the discretion of the court.

Unmarried man with unmarried woman over 21 years.

Punishment

Sec. 5. Any man who shall seduce and carnally know any married woman not being his wife, or who shall seduce and abscond with any married woman not being his wife, shall be deemed guilty of a high misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the state prison for a term not exceeding three years or by imprisonment in the county jail for a term not exceeding one year, or by fine not exceeding two thousand dollars, or by both such fine and imprisonment in the county jail, in the discretion of the court.

Any man seducing or absconding with any married woman.

Punishment

Sec. 6. Any man who shall seduce and carnally know any unmarried woman, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail for a term not exceeding two years, or by fine not exceeding two thousand dollars, or by both such fine and imprisonment in the discretion of the court.

Any man who shall seduce any unmarried woman.

Punishment

Sec. 7. Any married man who shall have sexual intercourse with, and carnally know any woman not being his wife, and any unmarried man who shall have sexual intercourse with, and carnally know any married woman, shall be deemed to be guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail for a term not exceeding one year, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment in the discretion of the court.

Married man sexual intercourse with any woman not his wife, and unmarried man with married woman.

Punishment

Sec. 8. Any married woman who shall have sexual intercourse with any man not being her husband, or who shall voluntarily leave her husband and abscond with any other man, shall be deemed to be guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail for a term not exceeding two years

Any married woman who shall have sexual intercourse or abscond with any man not her husband.

Punishment

## LAWS OF MICHIGAN.

Evidence of  
character  
for chastity  
may be given.

Sec. 9. It shall be competent for any person who shall be indicted under the first six sections of this act, to give in evidence on the trial of such indictment, the prior character for chastity of the woman whom such persons shall be charged with having seduced.

Evidence of  
character  
for chastity  
may be given.

Sec. 10. It shall be competent for any person who shall be indicted under the provisions of the seventh section of this act, to give in evidence on the trial, the prior character for chastity of the woman

Evidence of  
bad character  
for chastity  
shall go to  
credibility  
of witness.

with whom such sexual intercourse is charged to have been had, in case she shall be a witness on the trial; and evidence of her bad character for chastity shall go to her credibility as such witness.

No prosecution  
shall be  
commenced  
after one year

Sec. 11. No prosecution shall be commenced under the provisions of this act after one year from the time of the commission of the offence.

Approved February 5, 1844.

### No. 10.

AN ACT to amend an act entitled an act authorizing William W. Bliss, administrator of Hervey Bliss, deceased, to convey certain real estate, approved February 22. 1843.

Act amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section one, of the act to which this act is amendatory, be, and the same is hereby amended by adding after the word "named," in the seventh line of said section the following words: "or in any person to whom the interest of any person in said act named has been assigned in any manner whatever.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 8, 1844.



No. 11.

AN ACT to provide for the payment of entry and Jurors' fees.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That hereafter in each civil cause which shall be commenced in the circuit court for any county, there shall be paid to the clerk of the county, for the use of the county, an entry fee of two dollars, before the clerk shall docket the case; and in each cause in which a jury shall be empannelled, a fee of three dollars shall be paid by the plaintiff as soon as the jury are sworn.

Entry fee to be paid before clerk shall docket case. Jury fee to be paid by plaintiff.

Sec. 2. That each grand and petit juror, other than talesmen, shall hereafter receive as the only compensation to be paid him for his services as such grand or petit juror, one dollar for each day's attendance upon any court of record, and six cents for each mile necessarily travelled in going to court, to be computed by the most usually travelled route from the residence of the juror to the place of holding such court.

Jurors to receive \$1 per day each, & 6 cents per mile travelling fee.

Sec. 3. Any person called or summoned as a talesman, who shall sit as a juror for the trial of any civil or criminal cause in any court of record, shall be paid for such service in each cause, the sum of twenty-five cents only, together with six cents for each mile necessarily travelled in going to the place of holding the court; but talesmen shall in no case be paid any travelling fee unless they shall necessarily travel in going to the court at least one full mile.

Talesmen to receive 25 cents for each cause in which he shall sit as a juror, and 6 cents per mile for travel.

Sec. 4. If any petit juror who shall hereafter be summoned to attend upon any court of record and who shall have appeared in attendance upon such court, shall, at any time during the session in which he may so have appeared, fail to answer to his name when called by the clerk or court, the court or clerk shall immediately thereupon make an entry of the absence of the juror in the journal of the court, and for the day on which such failure is made he shall not be paid any compensation for service as a juror, unless, on cause shown, the court shall otherwise order.

Petit jurors failing to answer to their names to be allowed no compensation unless awarded by court.

Sec. 5. Jurors in each civil cause tried before any justice of the peace, shall each be paid twenty-five cents, to be paid by the party calling for such jury at the time, and in the manner prescribed in the

Payment of jurors before justice of the peace provided for.

Before c'ts  
special ses-  
sion how  
paid.

Forcible en-  
try & detain-  
er how p'd  
&c.

Duty of cl'k

Sec 38, chap  
5, title 3 p't  
3, revised  
statutes re-  
vived.

Law relat'g  
to circuit c't  
commis-  
sioners a-  
mended, and  
sec 3 of an  
act to regu-  
late & pre-  
scribe the a-  
mount of  
fees & cer-  
tain other  
laws repeal-  
ed.

fifty-fourth section of an act entitled "an act to prescribe the powers and duties of justices of the peace in civil proceedings," approved April 9th, 1841; and each juror in any court of special sessions shall receive fifty cents for his services, which shall be paid by the treasurer of the county, on the certificate of the justices, or one of the justices who tried the case; and in each case of forcible entry and detainer, or forcible detainer, and in every case of unlawfully holding any lands or tenements, each juror shall receive the sum of twenty-five cents, which shall be paid by the complainant before the jury shall render their verdict, and taxed in the costs of the proceedings.

Sec. 6. That the clerk of the court shall, on the first Monday of each month, pay to the treasurer of the county all the moneys which may come into his hands under this act.

Sec. 7. That section thirty-eight of chapter five, title two, part three of the revised statutes, shall be, and the same are hereby revived and continued in force.

Sec. 8. That section two of an act entitled "an act to provide for the issuing and return of venire, the payment of jurors, appointment of circuit court commissioners, and for other purposes," approved March 9, 1843, and section 20 and 23 of an act entitled "an act to regulate and prescribe the amount of fees," approved April first, 1840, and so much of section twenty-four of an act entitled "an act to provide for the organization of courts of special sessions, and to define their powers and duties," approved March 19th, 1840, as relates to fees of jurors, and an act entitled "an act to amend chapter five, title three, part three, of the revised statutes, entitled of forcible entry and detainer," approved February 15th, 1842, and so much of any other act or law now in force as provides for the payment of jurors, or the fees in this act provided for, or as is inconsistent with, or contravenes the provisions of this act, be, and the same are hereby repealed.

Approved February 14, 1844.

No. 12.

**AN ACT to extend the time for the completion of the Havre Branch railroad.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the completion of said road, limited by section five of an act entitled "an act to alter the route of the Havre Branch railroad, and for other purposes," approved March 24, 1840, be, and the same is hereby extended for the term of three years, from and after the passage of this act. Time extended three years.

Sec. 2. That said section five, and all acts and parts of acts contravening the provisions of this act, be, and the same are hereby repealed.

Approved February 16, 1844.

No. 13.

**AN ACT to amend an act entitled "an act to provide for the issuing and return of venire, the payment of jurors, the appointment of circuit court commissioners, and for other purposes," approved March 9, 1843.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section four of an act entitled "an act to provide for the issuing and return of venire, the payment of jurors, the appointment of circuit court commissioners, and for other purposes," approved March 9, 1843, be and the same is hereby amended, by striking out the word "writ" in the sixth line thereof, and inserting the word "affidavit." Section 4 amended.

Sec. 2. Section eight of the act to which this is amendatory, shall be, and the same is hereby amended so as to read as follows : Section 8 amended.

"Inquests or assessments may be taken at the proper circuit in all actions founded upon contract express or implied ; unless the defendant, his agent or attorney shall, on or before the first day of the term at which such cause is noticed for trial, file with the clerk an affidavit, setting forth that such defendant has a good and substantial defence on the merits, to the action of the plaintiff, or to some portion

of the plaintiff's claim therein, as he is advised by the council and verily believes."

Sec. 3. Sections twelve, seventeen and eighteen of the act to which this act is amendatory, be, and they are hereby repealed.

Sections 12,  
17 and 18  
repealed.

Sec. 4. Section three of the act to which this is amendatory is hereby amended so as to read as follows :

Section 3 a-  
mended.

"A circuit court commissioner shall be appointed by the Governor, by and with the advice and consent of the Senate, in each of the organized counties of this State, who shall hold his office for two years, and until his successor shall be appointed, and shall have power to direct bail and take the acknowledgements thereof, to grant a stay of proceedings, to allow writs of habeas corpus, and proceed thereon, to allow writs of certiorari, for the removal of judgments from justices courts, to settle interrogatories on commission, to take depositions of witnesses, and to tax bills of costs, and no associate judge of any county, unless he shall be a commissioner under this act, shall hereafter have authority to perform any of the duties imposed upon such commissioners."

Approved February 20. 1844.

## No. 14.

**AN ACT to amend an act entitled "an act to incorporate the village of Jackson," approved March 7th, 1843.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section first of an act entitled

Section 1 a-  
mended.

an act to incorporate the village of Jackson, approved March 7th, 1843, be and the same is hereby amended by striking out all that part of said section from and including the words "all that tract," in the third line of said section to and including the words "range one west," in the sixth line of said section, and inserting in lieu thereof such words as will make the whole of said section read as follows: "Section 1. That so much of the township of Jackson as is included in the following boundaries, to wit: commencing at a point on the township, line two hundred and forty rods west of the northeast corner of

section three, in township three south of range one west, from thence running north on the west line of the east half of the southwest quarter of section thirty-four in township two south of range one west to the quarter post line one hundred and sixty rods, thence east on the east and west quarter post line running through the centre of sections thirty-four and thirty-five in town two south of range one west, four hundred and forty rods, thence south parallel with the east line of the west half of the south east quarter of said section 35, one hundred and sixty rods to the south line of said section and township two south, thence south parallel with the east line of the west half of the north east quarter of section two in township three south of range one west to the quarter post line of said last named section, supposed to be one hundred and sixty rods, thence west on the east and west quarter post line of said section two and section three, four hundred and forty rods thence north on the west line of the east half of the north west quarter of section three town three south, range one west, to the north line of said section three at the place of beginning, supposed to be one hundred and sixty rods, shall be and the same is hereby constituted a town corporate by the name and title of the village of Jackson.

Sec. 2. The president or recorder of said village are hereby authorized and empowered to administer the oath to electors contemplated by the fourth section of said act, and any person who shall knowingly and falsely take such oath shall be guilty of perjury, and on conviction thereof shall be liable to the same pains and penalties as are provided for the punishment of that crime by the laws of this state.

Sec. 3. The eighth section of said act shall be and the same is hereby amended by inserting at the end of said section to stand as a part of it the words following, to wit: "And the common council of said village are hereby empowered and authorized to license so many persons as tavern keepers, common vitulars or retailers of spirituous and fermented liquors as they may from time to time deem advisable, under such restrictions and regulations as the said common council shall by public ordinance establish, and all licenses to expire on the last day of April in each year."

Sec. 4. The fifteenth section of said act shall be and the same is hereby amended by striking out the word "quarts," in the second

line of said section and inserting in lieu thereof the word "gallons."

Section 21  
amended.

Sec. 5. The twenty-first section of said act shall be and the same is hereby amended by inserting between the word "collected" and the word "shall" in the seventh line of said section, the words following, to wit: "upon said property," and also by inserting between the words "satisfy" and "the" in the nineteenth line of said section the words following, to wit: "such taxes and."

Section 22  
amended.

Sec. 6. The twenty-third section of said act shall be and the same is hereby amended by striking out the words "to make" in the first line of said section, and inserting in lieu thereof the word "from," and also by striking out the word "and" in the second line of said section.

Section 26  
amended.

Sec. 7. The twenty-sixth section of said act shall be and the same is hereby amended by striking out the word "from" in the third line of said section, and inserting in lieu thereof the word "them," and also by striking out the word "fifty" in the ninth line of said section, and inserting in lieu thereof the word "sixty."

Fire ward-  
ens.

Sec. 8. The common council shall have power for the more perfect organization of the fire department of said village, to appoint fire wardens who shall be clothed with powers and subject to such duties relative to the prevention of fires in said village as the common council shall by ordinance direct.

Publications

Sec. 9. Before any by-law or ordinance of said village shall hereafter take effect, it shall receive at least three insertions in a public newspaper printed in said village, and the printed copy so published under the authority of the common council shall be admitted as prima facie evidence thereof in all courts in this State where the same may come in question.

Sec. 10. This act shall be in force and take effect from and after its passage.

Approved February 20, 1844.

No. 15.

**AN ACT** to amend an "act providing for the final adjustment of all unsettled claims for damages growing out of the internal improvements of the State."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section first of "an act providing for the final adjustment of all unsettled claims for damages growing out of the internal improvements of this State," approved March 8, 1843, be amended by repealing all that part of said section, after the word "adjustment," occurring in the tenth line of said section; and, also, that section 2 be repealed, and the following substituted therefor: "Section 2. The said board of auditors are hereby invested with full authority, and it shall be their duty, to meet on the first Monday of the months of April and October in each year, and to sit together as a legal board, to swear and examine witnesses, take testimony and to inquire fully into, and determine fully, all matters submitted to them, touching any and all claims which may come before them, by virtue of this act; and submit a report of their proceedings to the next succeeding legislature."

Act amended, section 2 repealed, B. of auditors to meet.

Sec. 2. Every person who did not present his claim to, or whose claim was not adjusted by the board of State Auditors, before the first day of October, eighteen hundred and forty-three, as required by the act to which this act is amendatory, may present the same to the board of State Auditors for final adjustment, at any time within one year from and after the passage of this act.

Claims presented in 1 year.

Approved February 20, 1844.

No. 16.

**AN ACT** to provide for the punishment of bribery and corruption in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That if any person shall, by bribery, menace, or other corrupt means or device whatever, either directly or indirectly, attempt to influence any elector of this State in giving his vote or ballot, or to deter him from, or interrupt him in giving the

Bribery—how punished.

same at any election held pursuant to the provisions of law, and be convicted thereof, such person shall be adjudged guilty of a misdemeanor, punishable by fine or imprisonment; the fine not to exceed five hundred dollars, and the imprisonment not to exceed the term of one year.

Section 3 amended.

Sec. 2. That section third of an act entitled an act to preserve the purity of elections, and to amend title second of part first of the revised statutes, be, and the same is hereby amended by striking out the words "or who" in the third line of said section, and inserting the following words: "and any qualified voter who," so that the section when amended will read as follows:

"Every person not a qualified voter, who shall at any such election, wilfully give in any vote for any officer then to be chosen, and any qualified voter who, at such election, shall vote or offer to vote in any township or ward in which he does not reside, or shall vote or offer to vote more than once at the same election, either in the same or any other township or ward, or shall hand in two or more votes folded together, shall, on conviction, be adjudged guilty of a misdemeanor, and be punished by fine not exceeding five hundred dollars or by imprisonment not exceeding one year, or both as the court may direct."

Approved February 20, 1844.

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## No. 17.

### AN ACT to establish certain roads therein mentioned and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all of the public streets and roads heretofore laid out, surveyed and included in the corporate limits of the village of Mt. Clemens, Macomb county, shall be and they are hereby confirmed and constituted public highways to all intents and purposes, to the width and extent originally surveyed, and every street laid out, surveyed or platted and recorded in the office of the Register of deeds in any and all of the plats of said village, or any parts thereof, known as the original survey, Mulletts survey and Eldridge's addition, shall be and they are hereby confirmed as public



highways as in said plats marked and laid down, and it shall be and hereby is made the duty of the highway commissioners of the township in which said village is located, to exercise the same powers touching or relating to any of said roads or streets in said village, as they now exercise by law in respect to other roads in said township, and all damages claimed in consequence of the doings of said commissioners, in and by virtue of this act, may be claimed and recovered in the same manner as is now provided by law for claimants in other like cases.

Sec. 2. That the act entitled "an act to incorporate the village of Mt. Clemens," approved March 13th, 1837—and all other acts or parts of acts contravening the provisions of this act, be and the same are hereby repealed.

Approved February 24, 1844.

Certain acts declared public highways.

Act incorporating Mt. Clemens repealed.

### No. 18.

#### AN ACT to change the name of the township of Canaan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the name of all that part of the county of Hillsdale embraced in township eight and fractional township nine south, of range number one west, now known and designated by the name of the township of Canaan, be and the same is hereby changed to the name of Wright.

Sec. 2. All acts and parts of acts contravening the provisions of this act be and the same are hereby repealed.

Approved February 24, 1844.

Canaan ch'd to Wright.

### No. 19.

AN ACT supplementary to an act entitled "an act to amend an act entitled 'an act to provide for the issuing and return of venires, the payment of jurors, the appointment of circuit court commissioners, and for other purposes,' approved February 20, 1844."

Section 1. *Be it enacted by the Senate and House of Representa-*

Shall not  
extend to  
cases now  
pending.

*tives of the State of Michigan*, That so much of the act entitled "an act to amend an act entitled an act to provide for the issuing and return of venires, the payment of jurors, the appointment of circuit court commissioners, and for other purposes," approved February 20, 1844, as repeals section twelve (12) of an act entitled "an act to provide for the issuing and return of venires, the payment of jurors, the appointment of circuit court commissioners, and for other purposes," approved March 9, 1843, shall not extend to or effect any cases pending in the supreme court, or under consideration therein before the passage of said first named act; but all such cases shall be heard and decided, and the decisions of the supreme court on the same shall be carried into effect, in the same manner as if said section twelve (12) was still in force and effect.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 28, 1844.

## No. 20.

### AN ACT authorizing the receipt of obligations of this State in payment of University lands.

State war-  
rants and  
other evi-  
dences rec'd  
for univer-  
sity lands.

Not more  
than \$100.-  
000 rec'd. of  
purchase  
money to be  
p'd at time  
of sale.

Duties of  
treasur de-  
fin'd.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That hereafter all treasury notes or warrants bearing interest, drawn by authority of law on the treasurer of the State, shall be received in payment of the principal for any of the university lands which may hereafter be sold, in the same manner, and under like restrictions and liabilities as they are now receivable for any of the lands owned by this State: *Provided, however*, not more than one hundred thousand dollars of such notes or warrants shall be received in payment for any such lands: *And provided further*, that the full amount of the price of each purchase may be paid at the time the purchase is made.

Sec. 2. The treasurer shall, quarterly, on the first day of January, April, July, and October, make out a statement of the amount of warrants or obligations which have been received in payment of the university lands, with an interest account on the same, and thereupon

he shall credit to the university fund the amount of such warrants and the interest accrued thereon.

Sec. 3. The university fund shall, from the date of such credit or credits be relieved from the payment of the interest on an amount of the bonds loaned from the State, equivalent to such credit or credits. University fund relieved from payment of interest.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved February 28, 1844.

## No. 21.

### AN ACT to provide for the publication of the decisions of the Supreme Court and Court of Chancery.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the judges of the supreme court and the chancellor, or any three of them, shall appoint some suitable person as reporter of the decisions of the supreme court and court of chancery, who shall hold his office during the pleasure of the said justices and chancellor, and who shall, before entering on the discharge of his duties, take an oath, to be administered by any one of the said justices, that he will faithfully execute and perform the duties of his said office. To appoint reporter.

Sec. 2. That it shall be the duty of the said justices and of the chancellor, to prepare for the use of said reporter, full notes of all decisions made by them, and which they may deem of sufficient importance to be published, and to communicate the same to the said reporter. Judges and Chancellor to prepare notes and minutes of decisions.

Sec. 3. It shall be the duty of the reporter, faithfully and truly to prepare the said decision for publication, and, whenever it may be material or useful, to procure and accompany with the decisions, notes of the arguments of counsel at the hearing of the cause; and each case shall be reported more or less at large, as, in his judgment, the importance of the case may require. Publication.

Sec. 4. Whenever and as often as the said decisions shall be sufficient to constitute a volume of 600 pages, or, as near thereto as may conveniently be, it shall be the duty of the reporter to procure to be To be published when 600 pages.

Auditor to  
draw war-  
rant.

printed and published in a neat, substantial and proper form, at the lowest possible price, an edition of one thousand copies of the same ; and on such publication, it shall be the duty of the Auditor General to draw his warrant on the State Treasurer in favor of the reporter, for the cost of publication.

Copies to be  
distributed.

Sec. 5. Of the said reports, one hundred copies shall be deposited by the reporter in the office of the Secretary of State, to be distributed as follows : Two copies to the library of the Congress of the United States ; one copy to the library of each of the several states and territories ; and one copy to be kept in the office of the county clerk of each of the counties of this state ; and the remainder of the said one hundred copies to be deposited in the state library : and the remaining copies of the said reports shall be offered for sale by the said reporter at a price not exceeding three dollars and fifty cents for every copy sold to and for the use of residents of this state, and not exceeding five dollars for every copy sold to go out of the state.

Reporter 'to  
file bonds.

Sec. 6. The said reporter shall, on the publication of any and each edition, file with the Secretary of State, a bond with two or more sureties, to be approved by the said Secretary, in the penal sum of five thousand dollars conditioned to account with the Auditor General for, and pay over to the Treasurer, such sum or sums of money, as he may receive for the state, by and on account of the sale of said reports.

Salary.

Sec. 7. The reporter shall receive an annual salary of five hundred dollars, payable quarterly out of the state treasury ; and shall also be entitled to the profits arising from the sale of the reports.

Act repeal-  
ed.

Sec. 8. All that part of chapter six, title one, part third, of the revised statutes, which provides for the appointment and duties of reporter, and sections nine and ten of an act entitled " An act to provide for the issuing and return of venires, the payment of jurors, the appointment of circuit court commissioners, and for other purposes, " approved March 9, 1843, are hereby repealed.

Claim of E.  
B. Harrington.

Sec. 9. The claim of E. B. Harrington for monies advanced for the publication of the reports of the court of chancery, and for services performed as reporter of the supreme court and court of chancery since the salary of the reporter was suspended, is hereby referred to the State Treasurer, Auditor General and Secretary of

State, who are hereby authorized and required to settle with the said Harrington, and give him a certificate for the amount awarded him, and the State Treasurer is hereby authorized and required to pay said sum so awarded out of any monies in the state treasury not otherwise appropriated: *Provided*, Such amount of compensation for services shall not exceed the amount prescribed by the revised statutes.

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved February 29, 1844.

## No. 22.

### AN ACT to organize certain townships, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That towhship eight south, of range nineteen west in the county of Berrien, be and the same is hereby *Galien* set off and organized into a separate township by the name of Galien, and the first township meeting therein shall be held at the house of James Edson in said township.

Sec. 2. That the name of the township of Faymouth, in the county of Saginaw, be and the same is hereby changed to that of *Taymouth*. *Faymouth changed to Taymouth.*

Sec. 3. That the name of the township of Potsdam, in the county of Lenewee, be and the same is hereby changed to that of *Riga*. *Potsdam changed to Riga.*

Sec. 4. That in all that section of country lying and being within the limits of the county of Marquette, be and the same is hereby set off and organized into a township by the name of *Carnes*, and the first township meeting therein, shall be held at the house of S. B. Campbell in said township. *Carnes.*

Sec. 5. That all that portion of the county of Michilimackinac, included between the western boundary of said county, and a line running coincident with the "French Grants" in said county, and extended to the northern boundary of said county, be and the same is hereby set off and organized into a separate township by the name of *Moran*, and that the first township meeting therein, shall be held at the house of Abraham Slocum, in said township. *Moran.*

Assyra

Sec. 6. All that part of the county of Barry, designated in the United States survey, as townships number one and two north of range seven west, be and the same is hereby set off and organized into a separate township, by the name of Assyra, and the first township meeting therein, shall be held at the house of Cleveland Ellis in said township.

Township meeting.

Sec. 7. The next annual township meeting in the township of Johnstown in the county of Barry, shall be held at the house of John Culver in said township.

North Plains.

Sec. 8. Also, that portion of the county of Ionia, designated in the United States survey as towns number eight, nine and ten, north of range number five west, (except that portion of town number eight north, aforesaid,) lying south east of Maple River, be and the same is hereby set off and organized into a separate township, by the name of North Plains, and that the first township meeting therein, shall be held at the house of Bartley Dunn, in said township.

Wakeman changed to Mendon.

Sec. 9. That the name of the township of Wakeman in the county of St. Joseph, be and the same is hereby changed to that of Mendon.

Boston annexed to town of Keene.

Sec. 10. That all that portion of the township of Boston, in the county of Ionia, lying north of the Grand River, be and the same is hereby annexed to the township of Keene in said county.

Sec. 11. This act shall take effect on the first day of April next.

Approved February 29, 1844.

### No. 23.

**AN ACT** to amend an act entitled "An act to extend the time for the collection of taxes in the counties of Genessee, Clinton, Shiawassee, Kent, Lapeer and St. Clair."

Act amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section three of an act entitled "an act to extend the time for the collection of taxes in the counties of Genessee, Clinton, Shiawassee, Kent, Lapeer and St. Clair," approved January 24, 1844, be amended by adding the following to stand as a part of said section: "And the time for the treasurer

and clerks of the several counties hereinbefore named to prepare the transcript of unpaid taxes and make return of the same to the Auditor General, as provided in the forty-seventh section of an act entitled "an act to provide for the assessment and collection of taxes," approved March 8, 1843, be extended until the first Monday in April next; prior to which time said transcript shall be made, compared, certified and forwarded in the manner directed in said forty-seventh section: And said returns shall be received and proceeded with by the Auditor General, as directed in said act, which proceedings shall be as valid as if the returns had been forwarded prior to the first day of March." Time extended.

Approved February 29, 1844.

## No 24

### AN ACT for the encouragement of Agriculture:

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That in any county of this state, where the inhabitants thereof have established or may hereafter establish an agricultural society for the encouragement of agricultural pursuits, and raise from said society one hundred dollars annually to be appropriated as premiums for the encouragement of agriculture in the said county, the board of supervisors of said county, at their annual session in each and every year, are hereby authorized, if in their opinion it shall be for the best interests of the county, to raise the like amount of one hundred dollars, which sum shall be collected and paid to the county treasurer in the same manner that other county taxes are collected and paid to said treasurer. Premiums.

Sec. 2. The treasurer of said county shall keep the above one hundred dollars separate and apart from all other moneys in his hands, subject to the order of the president of the said agricultural society in said county, and upon the payment of said money by said treasurer on the order of said president of said society, shall file the said order in his office. Duty of Co. Treasurer.

Sec. 3. The president of the agricultural society in said county, on the receipt of the said money, shall pay the same over to the proper officer of said agricultural society, authorized by said society to Duty of president of society, &c.

to receive the same, to be added to the said one hundred dollars raised by said society for premiums as above stated, all of which shall constitute a fund called the premium fund, which shall be appropriated annually by said society as premiums for the encouragement of agriculture in said county or counties, which may comply with the provisions of this act; and that all persons residing in said counties where said agricultural societies are or may be established, may be competitors without admission fees.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 2, 1844.

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### No. 25.

## AN ACT for the reorganization of the trustees of certain societies of the Methodist Episcopal Church.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That whenever any society shall have organized and appointed trustees for the Methodist Episcopal Church in this State, pursuant to the provisions contained in part first, title ten, chapter one of the revised statutes, and shall have afterwards failed, or may hereafter for any reason, fail to hold their annual meeting or elect trustees pursuant to such provisions; and shall have appointed, or shall hereafter appoint, new trustees under the provisions of an act entitled “an act to amend chapter first, title tenth, part first of the revised statutes, of religious societies,” approved February 15, 1840, the corporate property of such society shall vest in the board of new trustees so appointed, and shall be held by them and their successors in office for the use and benefit of such society, the same to all intents and purposes, as if there had been no failure in electing such trustees at the proper time.

When society shall fail to elect trustees or hold meetings.

Approved March 2, 1844.



No. 26.

**AN ACT to provide for consolidating and revising the general laws of the State of Michigan.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Judges of the supreme court and Chancellor of the State, or a majority of them, shall appoint a man learned in the law, to be a commissioner to consolidate and revise the general laws of this State; which commissioner, together with the Chancellor, and the presiding Judge of the first circuit, shall constitute a council of revision, under the direction of whom the said commissioner shall prepare and arrange the said laws, with such modifications, amendments, and additions, as said council of revision shall agree upon and adopt, and shall report the same to the legislature at the commencement of its annual session in the year one thousand eight hundred and forty-six.

Appoint-  
ment of com-  
missioner.

Sec. 2. The office of such commissioner shall continue until the second Monday of January, in the year of our Lord one thousand eight hundred and forty-six, and no longer, and he shall receive on account of his services quarterly, at the expiration of each and every term of three months from and after the time when he shall enter upon the duties of his office, during the term thereof, the sum of one hundred and fifty dollars, to be paid by the Treasurer of this State out of the general fund, on the warrant of the Auditor General, provided he has been employed in said revision during the whole of the last three months, and he shall also receive such further compensation as the legislature may provide after the making of his final report.

Term of of-  
fice.

Salary.

Sec. 3. In case of the death of such commissioner, or of his removal, or inability arising from any cause to perform the duties required of him by this act, it shall be competent for the said Judges and Chancellor, or a majority of them, to appoint some other suitable person to perform such duties.

In case of  
death.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 2, 1844.

## No. 27.

**AN ACT** to amend "an act to provide for the completion and preservation of that portion of the Clinton and Kalamazoo canal between the villages of Rochester and Frederick.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section one of an "act to provide for the completion and preservation of that portion of the Clinton and Kalamazoo canal between the villages of Rochester and Frederick," approved March 1st, 1843, be amended by striking out the word "sixteen," in the eleventh and twelfth lines, and inserting in lieu thereof the word "eighteen," and by striking out all after the word "improvement," in line nineteen of said section: *Provided*, That the warrants issued under this act, and the act to which this is amendatory, shall be drawn payable in land, and the state shall in no case be holden to redeem them in any other way.

Ac  
ed amend.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 2, 1844.

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 No. 28.

**AN ACT** to discontinue a portion of a certain state road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That that portion of a state road established by an act entitled "an act appointing commissioners to lay out and establish certain state roads," approved March 17th, 1837, from at or near Farmington city, so called, in the county of Oakland, to Byron, in the county of Shiawassee, as lays between the house of Albert Worthington, in the town of Milford, Oakland county aforesaid, and the intersection of said road with the state road running from Milford aforesaid, to Howell, in the county of Livingston, be, and the same is hereby discontinued.

Road discontinued.

Approved March 2, 1844.

## No. 29.

**AN ACT** to amend an act entitled "an act to provide for the collection of demands against boats and vessels, approved April 10, 1839."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the officer serving an attachment in pursuance of the provisions of "an act to provide for the collection of demands against boats and vessels," approved April tenth, eighteen hundred and thirty-nine, in addition to the requirements in said act contained, shall immediately after attaching any boat or vessel, give notice of such attachment to the master, owner, agent or consignee thereof, if to be found within the county where such attachment is served. Notice of attachment.

Sec 2. If, upon the return of the attachment, it appear that no notice has been given to the master, owner or agent of the boat or vessel attached, and if no person shall appear to answer to such attachment, the justice shall continue the cause for thirty days, before he shall give judgment against such boat or vessel, unless the owner, agent or master of such boat or vessel shall sooner appear, in which case, the justice shall, on notice being given to the plaintiff, appoint a day for the trial of said case. And the plaintiff shall, forthwith, after the return of such attachment, unless some person duly authorized shall appear in behalf of such boat or vessel, advertise, by publishing the same at least one in each week, for two weeks, in a public newspaper if there be one published in such county, and if not, then by posting up notice in three of the most public places in the township in which such suit is brought, that an attachment has been taken out from such justice against such boat or vessel, and the time and place of trial. What proceedings to be had.

Sec 3. This act shall take effect and be in force from and after its passage. Advertised in certain cases.

Approved March 5, 1844.

## No. 30.

## AN ACT to improve the navigation of the Flint River.

Lands ap-  
propriated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there be appropriated of the state lands for internal improvements, 5000 acres, for the purpose of clearing the flood wood from, and otherwise improving the navigation of the Flint river, from the village of Flint to the Saginaw river.

Contracts  
payable

Sec. 2. The commissioners of internal improvement, in making contracts on said river, under the appropriation in section one of this act, shall make them payable in warrants not bearing interest, payable only in internal improvement lands on demand, and said warrants shall be receivable at the land office for such lands.

Canal may  
be cut.

Sec. 3. If the commissioner of internal improvement shall be satisfied on due examination that a canal can be cut around the drift-wood in said river, at a less cost than the removing of the same, he is authorized hereby to cause the said canal to be cut instead of removing the drift-wood from the bed of the river.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 6, 1844.

## No. 31.

## AN ACT relative to the streets of recorded but unincorporated village plats.

Streets un-  
der care  
of overseers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That such streets of recorded but unincorporated village plats, as the commissioners of highways shall deem to be required for public highways, shall be included in the several road districts of the respective townships in which they are situated, and shall be subject to the care and superintendence of the commissioners and overseers of highways relative to repairs, and in like manner as other highways are now by law provided for.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1844.

## No. 32.

## AN ACT to provide for laying out a State Road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That James W. Hickok, Jesse Hart and George W. Bentley, of Eaton county, be, and they are hereby appointed commissioners to lay out and establish a state road from the village of Eaton Rapids, in the county of Eaton, by the most direct and feasible route, to the village of Bellevue, in the county of Eaton; and a copy of so much of the survey of said road as shall be within each township through which said road shall pass, shall be filed in the office of the township clerks of said townships, and the said township clerks shall record the same in like manner as township roads are recorded; and in case said road shall not be laid out, in two years from the passage of this act, then the provisions of this section shall be void. Commissioners appointed. Survey to be filed.

Sec 2. The commissioners of highways of the several townships in the county of Eaton, through which the Clinton road passes, be, and they are hereby authorized to alter said road, in such manner as they may think public good requires, and for that purpose they shall have power to take up or vacate, and relay any part of said road within their own townships, and file the survey of such alterations in the office of the township clerk which shall be recorded by said clerk in like manner as alterations in township roads are recorded; and the State shall not be liable for any expense incurred or damages sustained in laying out or altering said roads. Commissioners to alter certain road in Eaton county.

Approved March 6, 1844.

## No. 33.

## AN ACT for the appropriation of certain highway taxes, for the improvement of the state road leading from Coldwater to Centreville.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That for the purpose of improving the state road leading from Coldwater to Centreville, there shall be appropriated to be expended on that part of the road running through

Highway  
taxes appro-  
priated.

the townships of Mattison and Batavia, in the county of Branch, by the highway commissioners of the aforesaid townships, so much of the highway taxes as may be assessed upon the lands owned by non-residents, the next succeeding two years, in the township of Mattison, and upon non-resident lands on the line of said road one mile each way from the centre of the road in the township of Batavia, as shall be uncollected by the overseers of highways which shall be assessed on the tax roll by the supervisor of the township aforesaid.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1844.

### No. 34.

**AN ACT** to authorize the minor heirs of the late Jared Higbee, deceased, to release their claim to a certain tract of land.

Minor heirs  
to deed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Myron N. Higbee, Seymour T. Higbee, Lucy Higbee and Elizabeth Higbee, minor children and heirs at law of the late Jared Higbee, deceased, be, and they are hereby authorized and empowered, under the direction and supervision, and subject to the control and approval of the Judge of probate for the county of Clinton, in conjunction with the widow and other heirs at law of the said Jared Higbee, deceased, to release and convey by deed under their hands and seals, to Elisha B. Isham, all their legal interest and estate, in and to the following described lands, to wit: The south-east quarter of the south-west quarter of section eleven, in township five north, of range four west.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1844.

## No. 35.

**AN ACT** to authorize the commissioners of highways of the township of Marshall to order and direct where a portion of certain highway labor shall be laid out.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners of highways in the township of Marshall, in the county of Calhoun, shall have the right and power to order and direct a portion of the highway labor <sup>Labor on certain roads</sup> not exceeding one-fourth, assessed in the village of Marshall, to be laid out on such public highways leading from said village into the country as they shall deem necessary: *Provided*, That the labor so directed shall be laid out within the said township of Marshall.

Sec. 2. The order of the said commissioners of highways directing said highway labor as hereinbefore provided shall be made out in writing and signed by said commissioners, or a majority of them, <sup>Order made in writing.</sup> and delivered to the Recorder of said village who shall file the same in his office and make and deliver copies thereof to the street commissioners of said village, who shall cause the amount of labor so ordered by said commissioners of highways, to be laid out according to the directions contained in said order.

Approved March 7, 1844.

## No. 36.

**AN ACT** to to amend an act entitled "an act to require an annual settlement with the state of certain state officers and agents and for other purposes," approved February 4th, 1842.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the annual settlement of the <sup>Accounts settled by state auditors.</sup> accounts of the several receiving or disbursing officers or agents of the state before the board of State Auditors, shall be had on or as soon after the first day of December in each year, as the accounts of said officers and agents or the books of the Auditor General can be closed for the preceding fiscal year, of which time the Auditor General shall give notice to the chairman of the board of Auditors, who <sup>Auditor General to give notice,</sup> shall thereupon require said several officers or agents to appear be-

fore the board at the office of the State Treasurer on some day to be designated by said chairman, of which time he shall also notify the other members of the board.

Expiration  
of term of  
any officer.

Sec. 2. As soon as practicable after the expiration of the official term of any receiving or disbursing officer or agent as aforesaid, the Auditor General shall give notice to the board of State Auditors and to such officer or agent, to meet at his office or at the office of the State Treasurer, for the purpose of making a full and final settlement of the accounts of such officer or agent, in the same manner as is provided in relation to the annual settlement of said accounts in the act to which this is amendatory.

Officers to  
deliver over  
books, pa-  
pers, &c.

Sec. 3. Any officer or agent of the state, into whose hands any money, books, papers, evidences of debt, or other instruments or property of whatever nature belonging to the state, may have come or shall hereafter come by virtue of his office or agency, who shall refuse or neglect, on demand to deliver the same to his successor in office, or other person or persons authorized by law to receive or have charge of the same, shall be punished in the same manner as is now or shall hereafter be provided by law in regard to persons guilty of fraud or embezzlement in the state treasury.

Sec. 4. This act shall take effect from and after its passage.

Approved March 7, 1844.

### No. 37.

## AN ACT to attach the counties of Kent and Ottawa to the third judicial circuit.

Supreme  
court Kala-  
mazoo  
when juris-  
diction.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That when the supreme court shall be held at Kalamazoo, it shall exercise its appellate jurisdiction in suits in chancery and at law, and in probate cases, originating as well in the counties of Kent and Ottawa, as in those counties concerning which the like provision is now made by law.

Sec. 2. So much of section 7, of chapter 1, of title 1, part 3, of the revised statutes [page 359,] as gives to the said court when sitting at Pontiac, jurisdiction over cases arising in said county of Kent and the counties and districts thereto attached for judicial purposes, is hereby repealed: *Provided*, That all cases arising in said counties,



or either of them, and now being in the supreme court, in either circuit thereof, shall be heard and determined in the circuit they now are, unless otherwise ordered by the said supreme court.

Approved March 7, 1844.

### No. 38.

**AN ACT to provide for the construction and improvement of the road running from Allegan in the county of Allegan, to Grandville, in the county of Kent.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That for the purpose of constructing and improving the road leading from the village of Allegan in the county of Allegan, to the village of Grandville in the county of Kent, there shall be appropriated to be expended as hereinafter directed, the highway taxes which may be assessed in the years 1844, 1845, and 1846, upon lands described and set down in the assessment rolls of the several years respectively as non-resident lands, and which shall be embraced within the limits of each section, any part of which section shall be within three miles of the centre of said road, commencing at the north line of section twenty-eight, in town number two north, of range number thirteen west, and ending at the south line of section number eighteen, in town number six north, of range number twelve west.*

Sec. 2. The township clerks of the several townships, through which the said road passes, and in whose offices a survey of said road has been or may be recorded, are hereby required on or before the first day of June next, to deposit with the clerk of the county to which they respectively belong, a certified copy of the recorded survey of said road, as the same has been duly laid out, which certified copy the said clerk shall file and preserve in his office.

Sec. 3. The boards of supervisors of each of the counties of Allegan, Ottawa and Kent, respectively at their annual meeting in September of each year, named in the first section of this act, shall make out a statement of the descriptions of lands in their respective counties, and within the limits designated in the first section of this act, together with the amount of highway tax assessed and returned

## MORGAN.

shall deliver the same to the county treasurers, who shall file the same in

Expire  
of the  
any

each of the above named counties shall, in the preceding section, prepare separate statements, for each of the lands lie, of the amounts of highway taxes assessed in the said townships, which statements shall be forwarded to the supervisors of the townships respectively; who shall forward the same to the collection roll deposited by them with the county treasurers, and all taxes which said treasurer may collect in pursuance of the laws set forth in such statement, he shall pay over to the county treasurer, at the same time he shall make his return of

The county treasurers of the counties of Allegan, Ottawa and Grandville, respectively, shall each open accounts in a book to be provided at the expense of the counties, respectively, for that purpose, and shall credit to the "Allegan and Grandville road fund," and shall credit to the fund all moneys that may be paid to them respectively, under the provisions of this act, and shall charge to said fund all warrants issued in pursuance of this act, all payments made to the commissioners on account of their services, and such other necessary expenses, in carrying into execution the purposes of this act, which may be audited by the boards of supervisors of the respective counties named herein.

Special com-  
missioner.

Sec. 6. A special commissioner shall be appointed for each of the counties named in this act, who shall have the superintendence of said road within their respective counties, and shall direct where all labor shall be performed on said road.

Highway  
labor.

Sec. 7. Any non-resident who may wish to perform the labor assessed upon his lands lying within the limits designated in the first sections of this act, may apply, either by his agent or otherwise, to the special commissioner of the county in which the lands lie; and on such application, the said commissioner shall direct when and where, and in what manner, the labor may be performed on said road; and whenever the same shall be fully and satisfactorily performed, the said commissioners shall give a receipt therefor; and

upon presentation of such receipt to the overseer of highways of the road district in which such lands lie, before the time designated by law for the return of unpaid highway taxes, the said overseer shall cancel the tax acknowledged to be paid by said receipt.

Sec. 8. Whenever any person shall commute the highway tax assessed upon non-resident lands embraced within the provisions of this act, and the same shall be paid to the overseer of highways, he shall pay over the same, within thirty days thereafter, to the township treasurer, who shall give duplicate receipts therefor, one of which receipts said overseer of highways shall deposit with the county treasurer, within ten days thereafter; and the township treasurer shall pay to the county treasurer, on or before the fifteenth day of November in each year, all moneys that may come into his hands from overseers of highways.

Overseer to pay over money,

Sec. 9. The said special commissioners, each in his own county, shall have power to let or contract by public auction any job or work upon said road, giving public notice thereof in a newspaper in said county, if there be one, and by posting up three or more written or printed notices in the most public places in the county at least ten days before the time of letting such contract, which shall be let to the lowest bidder, giving good security to the satisfaction of the commissioner for the faithful performance of said contract.

To let contracts.

Sec. 10. Whenever any such contract shall be performed, the commissioner shall certify to the fact upon such contract, and shall thereupon draw his warrant upon the county treasurer for the payment of the same out of the Allegan and Grandville road fund, and shall attach such warrant to the said contract. And in case any person having so contracted shall fail in the performance of his contract, it shall be the duty of the commissioner to cause the same to be prosecuted in his own name for the benefit of the aforesaid act.

Commissioner to draw warrant,

Sec. 11. Each of the special commissioners shall receive as a compensation for their services, one dollar per day, for each day actually employed in the business of the said road, which actual employment each commissioner shall verify by his affidavit, and his account for services so verified, shall be paid by the treasurer of his proper county out of said road fund.

Compensation of com.

Sec. 12. Flavius J. Littlejohn of the county of Allegan, Hiram

## No. 27.

**AN ACT** to amend "an act to provide for the completion and preservation of that portion of the Clinton and Kalamazoo canal between the villages of Rochester and Frederick.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section one of an "act to provide for the completion and preservation of that portion of the Clinton and Kalamazoo canal between the villages of Rochester and Frederick," approved March 1st, 1843, be amended by striking out the word "sixteen," in the eleventh and twelfth lines, and inserting in lieu thereof the word "eighteen," and by striking out all after the word "improvement," in line nineteen of said section: *Provided*, That the warrants issued under this act, and the act to which this is amendatory, shall be drawn payable in land, and the state shall in no case be holden to redeem them in any other way.

Ac amend.  
ed

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 2, 1844.

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 No. 28.

**AN ACT** to discontinue a portion of a certain state road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That that portion of a state road established by an act entitled "an act appointing commissioners to lay out and establish certain state roads," approved March 17th, 1837, from at or near Farmington city, so called, in the county of Oakland, to Byron, in the county of Shiawassee, as lays between the house of Albert Worthington, in the town of Milford, Oakland county aforesaid, and the intersection of said road with the state road running from Milford aforesaid, to Howell, in the county of Livingston, be, and the same is hereby discontinued.

Road discontinued.

Approved March 2, 1844.

No. 29.

**AN ACT** to amend an act entitled "an act to provide for the collection of demands against boats and vessels, approved April 10, 1839."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the officer serving an attachment in pursuance of the provisions of "an act to provide for the collection of demands against boats and vessels," approved April tenth, eighteen hundred and thirty-nine, in addition to the requirements in said act contained, shall immediately after attaching any boat or vessel, give notice of such attachment to the master, owner, agent or consignee thereof, if to be found within the county where such attachment is served. Notice of attachment.

Sec 2. If, upon the return of the attachment, it appear that no notice has been given to the master, owner or agent of the boat or vessel attached, and if no person shall appear to answer to such attachment, the justice shall continue the cause for thirty days, before he shall give judgment against such boat or vessel, unless the owner, agent or master of such boat or vessel shall sooner appear, in which case, the justice shall, on notice being given to the plaintiff, appoint a day for the trial of said case. And the plaintiff shall, forthwith, after the return of such attachment, unless some person duly authorized shall appear in behalf of such boat or vessel, advertise, by publishing the same at least one in each week, for two weeks, in a public newspaper if there be one published in such county, and if not, then by posting up notice in three of the most public places in the township in which such suit is brought, that an attachment has been taken out from such justice against such boat or vessel, and the time and place of trial. What proceedings to be had.

Sec 3. This act shall take effect and be in force from and after its passage. Advertised in certain cases.

Approved March 5, 1844.

## No. 30.

## AN ACT to improve the navigation of the Flint River.

Lands ap-  
propriated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there be appropriated of the state lands for internal improvements, 5000 acres, for the purpose of clearing the flood wood from, and otherwise improving the navigation of the Flint river, from the village of Flint to the Saginaw river.

Contracts  
payable

Sec. 2. The commissioners of internal improvement, in making contracts on said river, under the appropriation in section one of this act, shall make them payable in warrants not bearing interest, payable only in internal improvement lands on demand, and said warrants shall be receivable at the land office for such lands.

Canal may  
be cut.

Sec. 3. If the commissioner of internal improvement shall be satisfied on due examination that a canal can be cut around the drift-wood in said river, at a less cost than the removing of the same, he is authorized hereby to cause the said canal to be cut instead of removing the drift-wood from the bed of the river.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 6, 1844.

## No. 31.

## AN ACT relative to the streets of recorded but unincorporated village plats.

Streets un-  
der care  
overscers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That such streets of recorded but unincorporated village plats, as the commissioners of highways shall deem to be required for public highways, shall be included in the several road districts of the respective townships in which they are situated, and shall be subject to the care and superintendence of the commissioners and overseers of highways relative to repairs, and in like manner as other highways are now by law provided for.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1844.

No. 32.

**AN ACT** to provide for laying out a State Road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That James W. Hickok, Jesse Hart and George W. Bentley, of Eaton county, be, and they are hereby appointed commissioners to lay out and establish a state road from the village of Eaton Rapids, in the county of Eaton, by the most direct and feasible route, to the village of Bellevue, in the county of Eaton; and a copy of so much of the survey of said road as shall be within each township through which said road shall pass, shall be filed in the office of the township clerks of said townships, and the said township clerks shall record the same in like manner as township roads are recorded; and in case said road shall not be laid out, in two years from the passage of this act, then the provisions of this section shall be void.

Commissioners appointed.

Survey to be filed.

Sec 2. The commissioners of highways of the several townships in the county of Eaton, through which the Clinton road passes, be, and they are hereby authorized to alter said road, in such manner as they may think public good requires, and for that purpose they shall have power to take up or vacate, and relay any part of said road within their own townships, and file the survey of such alterations in the office of the township clerk which shall be recorded by said clerk in like manner as alterations in township roads are recorded; and the State shall not be liable for any expense incurred or damages sustained in laying out or altering said roads.

Commissioners to alter certain road in Eaton county.

Approved March 6, 1844.

No. 33.

**AN ACT** for the appropriation of certain highway taxes, for the improvement of the state road leading from Coldwater to Centreville.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That for the purpose of improving the state road leading from Coldwater to Centreville, there shall be appropriated to be expended on that part of the road running through

Highway  
taxes appro-  
priated.

the townships of Mattison and Batavia, in the county of Branch, by the highway commissioners of the aforesaid townships, so much of the highway taxes as may be assessed upon the lands owned by non-residents, the next succeeding two years, in the township of Mattison, and upon non-resident lands on the line of said road one mile each way from the centre of the road in the township of Batavia, as shall be uncollected by the overseers of highways which shall be assessed on the tax roll by the supervisor of the township aforesaid.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1844.

### No. 34.

AN ACT to authorize the minor heirs of the late Jared Higbee, deceased, to release their claim to a certain tract of land.

Minor heirs  
to deed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Myron N. Higbee, Seymour T. Higbee, Lucy Higbee and Elizabeth Higbee, minor children and heirs at law of the late Jared Higbee, deceased, be, and they are hereby authorized and empowered, under the direction and supervision, and subject to the control and approval of the Judge of probate for the county of Clinton, in conjunction with the widow and other heirs at law of the said Jared Higbee, deceased, to release and convey by deed under their hands and seals, to Elisha B. Isham, all their legal interest and estate, in and to the following described lands, to wit: The south-east quarter of the south-west quarter of section eleven, in township five north, of range four west.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1844.



No. 35.

AN ACT to authorize the commissioners of highways of the township of Marshall to order and direct where a portion of certain highway labor shall be laid out.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners of highways in the township of Marshall, in the county of Calhoun, shall have the right and power to order and direct a portion of the highway labor <sup>Labor on certain roads</sup> not exceeding one-fourth, assessed in the village of Marshall, to be laid out on such public highways leading from said village into the country as they shall deem necessary: *Provided*, That the labor so directed shall be laid out within the said township of Marshall.

Sec. 2. The order of the said commissioners of highways directing said highway labor as hereinbefore provided shall be made out in writing and signed by said commissioners, or a majority of them, and delivered to the Recorder of said village who shall file the same <sup>Order made in writing.</sup> in his office and make and deliver copies thereof to the street commissioners of said village, who shall cause the amount of labor so ordered by said commissioners of highways, to be laid out according to the directions contained in said order.

Approved March 7, 1844.

No. 36.

AN ACT to amend an act entitled "an act to require an annual settlement with the state of certain state officers and agents and for other purposes," approved February 4th, 1842.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the annual settlement of the <sup>Accounts settled by state auditors.</sup> accounts of the several receiving or disbursing officers or agents of the state before the board of State Auditors, shall be had on or as soon after the first day of December in each year, as the accounts of said officers and agents or the books of the Auditor General can be closed for the preceding fiscal year, of which time the Auditor General <sup>Auditor General to give notice,</sup> shall give notice to the chairman of the board of Auditors, who shall thereupon require said several officers or agents to appear be-

fore the board at the office of the State Treasurer on some day to be designated by said chairman, of which time he shall also notify the other members of the board.

Expiration  
of term of  
any officer.

Sec. 2. As soon as practicable after the expiration of the official term of any receiving or disbursing officer or agent as aforesaid, the Auditor General shall give notice to the board of State Auditors and to such officer or agent, to meet at his office or at the office of the State Treasurer, for the purpose of making a full and final settlement of the accounts of such officer or agent, in the same manner as is provided in relation to the annual settlement of said accounts in the act to which this is amendatory.

Officers to  
deliver over  
books, pa-  
pers, &c.

Sec. 3. Any officer or agent of the state, into whose hands any money, books, papers, evidences of debt, or other instruments or property of whatever nature belonging to the state, may have come or shall hereafter come by virtue of his office or agency, who shall refuse or neglect, on demand to deliver the same to his successor in office, or other person or persons authorized by law to receive or have charge of the same, shall be punished in the same manner as is now or shall hereafter be provided by law in regard to persons guilty of fraud or embezzlement in the state treasury.

Sec. 4. This act shall take effect from and after its passage.

Approved March 7, 1844.

### No. 37.

## AN ACT to attach the counties of Kent and Ottawa to the third judicial circuit.

Supreme  
court Kala-  
mazoo  
when juris-  
diction.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That when the supreme court shall be held at Kalamazoo, it shall exercise its appellate jurisdiction in suits in chancery and at law, and in probate cases, originating as well in the counties of Kent and Ottawa, as in those counties concerning which the like provision is now made by law.

Sec. 2. So much of section 7, of chapter 1, of title 1, part 3, of the revised statutes [page 359,] as gives to the said court when sitting at Pontiac, jurisdiction over cases arising in said county of Kent and the counties and districts thereto attached for judicial purposes, is hereby repealed: *Provided*, That all cases arising in said counties,

or either of them, and now being in the supreme court, in either circuit thereof, shall be heard and determined in the circuit they now are, unless otherwise ordered by the said supreme court.

Approved March 7, 1844.

### No. 38.

**AN ACT to provide for the construction and improvement of the road running from Allegan in the county of Allegan, to Grandville, in the county of Kent.**

*Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That for the purpose of constructing and improving the road leading from the village of Allegan in the county of Allegan, to the village of Grandville in the county of Kent, there shall be appropriated to be expended as hereinafter directed, the highway taxes which may be assessed in the years 1844, 1845, and 1846, upon lands described and set down in the assessment rolls of the several years respectively as non-resident lands, and which shall be embraced within the limits of each section, any part of which section shall be within three miles of the centre of said road, commencing at the north line of section twenty-eight, in town number two north, of range number thirteen west, and ending at the south line of section number eighteen, in town number six north, of range number twelve west.*

*Sec. 2. The township clerks of the several townships, through which the said road passes, and in whose offices a survey of said road has been or may be recorded, are hereby required on or before the first day of June next, to deposit with the clerk of the county to which they respectively belong, a certified copy of the recorded survey of said road, as the same has been duly laid out, which certified copy the said clerk shall file and preserve in his office.*

*Duties of township clerks.*

*Sec. 3. The boards of supervisors of each of the counties of Allegan, Ottawa and Kent, respectively at their annual meeting in September of each year, named in the first section of this act, shall make out a statement of the descriptions of lands in their respective counties, and within the limits designated in the first section of this act, together with the amount of highway tax assessed and returned*

*Duty of supervisors*

as unpaid, on each description, and shall deliver the same to the county treasurer of their respective counties, who shall file the same in his office.

**Duty of  
county clerk's**

Sec. 4. The county clerks of each of the above named counties shall, at the time mentioned in the preceding section, prepare separate statements as required in the preceding section, for each of the townships in which the said lands lie, of the amounts of highway taxes to be collected in the said townships, which statements shall be delivered to the supervisors of the townships respectively; who shall append said statements to the collection roll deposited by them with their respective town treasurers, and all taxes which said treasurer shall collect on lands set forth in such statement, he shall pay over to the county treasurer, at the same time he shall make his return of unpaid taxes.

**Accounts to  
be opened.**

Sec. 5. The county treasurers of the counties of Allegan, Ottawa and Kent, respectively, shall each open accounts in a book to be provided at the expense of the counties, respectively, for that purpose, with "the Allegan and Grandville road fund," and shall credit to said fund all moneys that may be paid to them respectively, under the provisions of this act, and shall charge to said fund all warrants drawn in pursuance of this act, all payments made to the commissioners on account of their services, and such other necessary expenses, in carrying into execution the purposes of this act, which may be audited by the boards of supervisors of the respective counties named herein.

**Special com-  
missioner.**

Sec. 6. A special commissioner shall be appointed for each of the counties named in this act, who shall have the superintendence of said road within their respective counties, and shall direct where all labor shall be performed on said road.

**Highway  
labor.**

Sec. 7. Any non-resident who may wish to perform the labor assessed upon his lands lying within the limits designated in the first sections of this act, may apply, either by his agent or otherwise, to the special commissioner of the county in which the lands lie; and on such application, the said commissioner shall direct when and where, and in what manner, the labor may be performed on said road; and whenever the same shall be fully and satisfactorily performed, the said commissioners shall give a receipt therefor; and

upon presentation of such receipt to the overseer of highways of the road district in which such lands lie, before the time designated by law for the return of unpaid highway taxes, the said overseer shall cancel the tax acknowledged to be paid by said receipt.

Sec. 8. Whenever any person shall commute the highway tax assessed upon non-resident lands embraced within the provisions of this act, and the same shall be paid to the overseer of highways, he shall pay over the same, within thirty days thereafter, to the township treasurer, who shall give duplicate receipts therefor, one of which receipts said overseer of highways shall deposit with the county treasurer, within ten days thereafter; and the township treasurer shall pay to the county treasurer, on or before the fifteenth day of November in each year, all moneys that may come into his hands from overseers of highways.

Overseer to pay over money,

Sec. 9. The said special commissioners, each in his own county, shall have power to let or contract by public auction any job or work upon said road, giving public notice thereof in a newspaper in said county, if there be one, and by posting up three or more written or printed notices in the most public places in the county at least ten days before the time of letting such contract, which shall be let to the lowest bidder, giving good security to the satisfaction of the commissioner for the faithful performance of said contract.

To let contracts.

Sec. 10. Whenever any such contract shall be performed, the commissioner shall certify to the fact upon such contract, and shall thereupon draw his warrant upon the county treasurer for the payment of the same out of the Allegan and Grandville road fund, and shall attach such warrant to the said contract. And in case any person having so contracted shall fail in the performance of his contract, it shall be the duty of the commissioner to cause the same to be prosecuted in his own name for the benefit of the aforesaid act.

Commissioner to draw warrant,

Sec. 11. Each of the special commissioners shall receive as a compensation for their services, one dollar per day, for each day actually employed in the business of the said road, which actual employment each commissioner shall verify by his affidavit, and his account for services so verified, shall be paid by the treasurer of his proper county out of said road fund.

Compensation of com.

Sec. 12. Flavius J. Littlejohn of the county of Allegan, Hiram

**Commissioners.** Jennison of the county of Ottawa, and Roswell Britton of the county of Kent, are hereby appointed special commissioners under this act for the counties in which they respectively reside, and in case either commissioner do not take and file the oath of office required by the constitution of this state, with the clerk of his proper county, on or before the first day of June next, the neglect thereof shall be deemed a vacancy, and all vacancies which may happen by death, removal or otherwise, shall be filled by the board of supervisors of the respective counties, and any person so appointed shall before entering upon the duties of his office, take and file as aforesaid the constitutional oath of office.

**In case of neglect or refusal of com.**

**Sec. 13.** If either special commissioner shall neglect or refuse to perform the duties of his office, the board of supervisors of the proper county shall have power to remove such commissioner from office, but no removal shall be made without giving the said commissioner notice and permitting him to be heard in his defence, all which proceedings shall be entered at large upon their journal.

**Sec. 14.** The laws regulating highways in this state, not contravening the provisions of this act, shall apply to this road.

Approved March 8, 1844.

### No. 39.

**AN ACT** to lay out, establish and provide for the construction of a state road from the village of Battle Creek, through the village of Hastings, to intersect the Grand River and Kalamazoo road.

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there shall be laid out and established a state road, commencing at the village of Battle Creek, in the county of Calhoun, and running thence on the most direct and eligible route *via* the village of Hastings, in the county of Barry, to intersect the Kalamazoo and Grand River road, at or near where the same crosses the line between the counties of Barry and Kent; and that John Meacham of Calhoun county, Jason Cowles, Albert E.

**Commissioners appointed.**

Bull and Calvin G. Hill, of Barry county, be, and they are hereby appointed commissioners to lay out and establish said road.

**Sec. 2.** It shall be the duty of the aforesaid commissioners, to file

the survey of so much of said road, (as shall be laid out in each township,) in the office of each township clerk, whose duty it shall be to record the same in the road book of the township.

Sec. 3. One half of the road moneys collected from non-resident lands in the several surveyed townships, through which said road may pass, (that have not been expended) shall be applied to the opening and working of said road, and that the highway taxes which may hereafter be assessed upon the lands owned by non-residents, laying within one mile each way (at right angles) from the centre line of said road, shall be appropriated and applied to the opening and working of said road, and whenever said lines cover any part of a sectional division, it shall embrace the whole of said sectional division or forty acre lot.

Taxes appropriated.

Sec. 4. Albert E. Bull, be, and he is hereby appointed special commissioner, to disburse the moneys aforesaid, who shall have power to let, or contract any job, or work upon said road, first giving public notice thereof by posting up notices at the most public places within the several townships through which said road passes, and as near as may be upon the line of said road, which said notices shall be posted up at least twenty days before the time of letting such contracts, and shall state where the work is to be performed, and the kind thereof, the time limited for the performance, the time when and where the work will be let, to the lowest bidder, who shall give good and sufficient bonds, with one or more sureties, to the special commissioner, for the faithful performance of said contract: *Provided, nevertheless,* That a majority of the commissioners appointed by the first section of this act, shall have power at any time to direct where and in what manner such moneys shall be laid out or expended on said road, and the special commissioner is hereby required to lay out such moneys according to such direction.

Special commissioner appointed.

Sec. 5. It shall be the duty of the special commissioner to make out a correct list of all the non-resident land covered by the provisions of this act, and file the same with the county treasurer of the county wherein those lands are located, and it shall be the duty of the county treasurer to withhold from the several townships the moneys accruing on such non-resident lands, and pay over the same to said special commissioner, who shall render to the board of supervisors of each county a true account of the application and disburse-

Duty.

## No. 30.

## AN ACT to improve the navigation of the Flint River.

Lands ap-  
propriated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there be appropriated of the state lands for internal improvements, 5000 acres, for the purpose of clearing the flood wood from, and otherwise improving the navigation of the Flint river, from the village of Flint to the Saginaw river.

Contracts  
payable

Sec. 2. The commissioners of internal improvement, in making contracts on said river, under the appropriation in section one of this act, shall make them payable in warrants not bearing interest, payable only in internal improvement lands on demand, and said warrants shall be receivable at the land office for such lands.

Canal may  
be cut.

Sec. 3. If the commissioner of internal improvement shall be satisfied on due examination that a canal can be cut around the drift-wood in said river, at a less cost than the removing of the same, he is authorized hereby to cause the said canal to be cut instead of removing the drift-wood from the bed of the river.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 6, 1844.

## No. 31.

## AN ACT relative to the streets of recorded but unincorporated village plats.

Streets un-  
der care  
overscers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That such streets of recorded but unincorporated village plats, as the commissioners of highways shall deem to be required for public highways, shall be included in the several road districts of the respective townships in which they are situated, and shall be subject to the care and superintendence of the commissioners and overseers of highways relative to repairs, and in like manner as other highways are now by law provided for.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1844.



## No. 32.

## AN ACT to provide for laying out a State Road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That James W. Hickok, Jesse Hart and George W. Bentley, of Eaton county, be, and they are hereby appointed commissioners to lay out and establish a state road from the village of Eaton Rapids, in the county of Eaton, by the most direct and feasible route, to the village of Bellevue, in the county of Eaton; and a copy of so much of the survey of said road as shall be within each township through which said road shall pass, shall be filed in the office of the township clerks of said townships, and the said township clerks shall record the same in like manner as township roads are recorded; and in case said road shall not be laid out, in two years from the passage of this act, then the provisions of this section shall be void.

Commissioners appointed.

Survey to be filed.

Sec 2. The commissioners of highways of the several townships in the county of Eaton, through which the Clinton road passes, be, and they are hereby authorized to alter said road, in such manner as they may think public good requires, and for that purpose they shall have power to take up or vacate, and relay any part of said road within their own townships, and file the survey of such alterations in the office of the township clerk which shall be recorded by said clerk in like manner as alterations in township roads are recorded; and the State shall not be liable for any expense incurred or damages sustained in laying out or altering said roads.

Commissioners to alter certain road in Eaton county.

Approved March 6, 1844.

## No. 33.

## AN ACT for the appropriation of certain highway taxes, for the improvement of the state road leading from Coldwater to Centreville.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That for the purpose of improving the state road leading from Coldwater to Centreville, there shall be appropriated to be expended on that part of the road running through

Highway  
taxes appro-  
priated.

the townships of Mattison and Batavia, in the county of Branch, by the highway commissioners of the aforesaid townships, so much of the highway taxes as may be assessed upon the lands owned by non-residents, the next succeeding two years, in the township of Mattison, and upon non-resident lands on the line of said road one mile each way from the centre of the road in the township of Batavia, as shall be uncollected by the overseers of highways which shall be assessed on the tax roll by the supervisor of the township aforesaid.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1844.

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### No. 34.

**AN ACT** to authorize the minor heirs of the late Jared Higbee, deceased, to release their claim to a certain tract of land.

Minor heirs  
to deed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Myron N. Higbee, Seymour T. Higbee, Lucy Higbee and Elizabeth Higbee, minor children and heirs at law of the late Jared Higbee, deceased, be, and they are hereby authorized and empowered, under the direction and supervision, and subject to the control and approval of the Judge of probate for the county of Clinton, in conjunction with the widow and other heirs at law of the said Jared Higbee, deceased, to release and convey by deed under their hands and seals, to Elisha B. Isham, all their legal interest and estate, in and to the following described lands, to wit: The south-east quarter of the south-west quarter of section eleven, in township five north, of range four west.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1844.

## No. 35.

**AN ACT** to authorize the commissioners of highways of the township of Marshall to order and direct where a portion of certain highway labor shall be laid out.

*Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the commissioners of highways in the township of Marshall, in the county of Calhoun, shall have the right and power to order and direct a portion of the highway labor <sup>Labor on certain roads</sup> not exceeding one-fourth, assessed in the village of Marshall, to be laid out on such public highways leading from said village into the country as they shall deem necessary: *Provided,* That the labor so directed shall be laid out within the said township of Marshall.

*Sec. 2.* The order of the said commissioners of highways directing said highway labor as hereinbefore provided shall be made out in writing and signed by said commissioners, or a majority of them, and delivered to the Recorder of said village who shall file the same <sup>Order made in writing.</sup> in his office and make and deliver copies thereof to the street commissioners of said village, who shall cause the amount of labor so ordered by said commissioners of highways, to be laid out according to the directions contained in said order.

Approved March 7, 1844.

## No. 36.

**AN ACT** to amend an act entitled "an act to require an annual settlement with the state of certain state officers and agents and for other purposes," approved February 4th, 1842.

*Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the annual settlement of the <sup>Accounts settled by state auditors.</sup> accounts of the several receiving or disbursing officers or agents of the state before the board of State Auditors, shall be had on or as soon after the first day of December in each year, as the accounts of said officers and agents or the books of the Auditor General can be closed for the preceding fiscal year, of which time the Auditor General shall give notice <sup>Auditor General to give notice,</sup> to the chairman of the board of Auditors, who shall thereupon require said several officers or agents to appear be-

fore the board at the office of the State Treasurer on some day to be designated by said chairman, of which time he shall also notify the other members of the board.

Expiration  
of term of  
any officer.

Sec. 2. As soon as practicable after the expiration of the official term of any receiving or disbursing officer or agent as aforesaid, the Auditor General shall give notice to the board of State Auditors and to such officer or agent, to meet at his office or at the office of the State Treasurer, for the purpose of making a full and final settlement of the accounts of such officer or agent, in the same manner as is provided in relation to the annual settlement of said accounts in the act to which this is amendatory.

Officers to  
deliver over  
books, pa-  
pers, &c.

Sec. 3. Any officer or agent of the state, into whose hands any money, books, papers, evidences of debt, or other instruments or property of whatever nature belonging to the state, may have come or shall hereafter come by virtue of his office or agency, who shall refuse or neglect, on demand to deliver the same to his successor in office, or other person or persons authorized by law to receive or have charge of the same, shall be punished in the same manner as is now or shall hereafter be provided by law in regard to persons guilty of fraud or embezzlement in the state treasury.

Sec. 4. This act shall take effect from and after its passage.

Approved March 7, 1844.

### No. 37.

## AN ACT to attach the counties of Kent and Ottawa to the third judicial circuit.

Supreme  
court Kala-  
mazoo  
when juris-  
diction.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That when the supreme court shall be held at Kalamazoo, it shall exercise its appellate jurisdiction in suits in chancery and at law, and in probate cases, originating as well in the counties of Kent and Ottawa, as in those counties concerning which the like provision is now made by law.

Sec. 2. So much of section 7, of chapter 1, of title 1, part 3, of the revised statutes [page 359,] as gives to the said court when sitting at Pontiac, jurisdiction over cases arising in said county of Kent and the counties and districts thereto attached for judicial purposes, is hereby repealed: *Provided*, That all cases arising in said counties,

or either of them, and now being in the supreme court, in either circuit thereof, shall be heard and determined in the circuit they now are, unless otherwise ordered by the said supreme court.

Approved March 7, 1844.

No. 38.

**AN ACT** to provide for the construction and improvement of the road running from Allegan in the county of Allegan, to Grandville, in the county of Kent.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That for the purpose of constructing and improving the road leading from the village of Allegan in the county of Allegan, to the village of Grandville in the county of Kent, there shall be appropriated to be expended as hereinafter directed, the highway taxes which may be assessed in the years 1844, 1845, and 1846, upon lands described and set down in the assessment rolls of the several years respectively as non-resident lands, and which shall be embraced within the limits of each section, any part of which section shall be within three miles of the centre of said road, commencing at the north line of section twenty-eight, in town number two north, of range number thirteen west, and ending at the south line of section number eighteen, in town number six north, of range number twelve west.

Sec. 2. The township clerks of the several townships, through which the said road passes, and in whose offices a survey of said road has been or may be recorded, are hereby required on or before the first day of June next, to deposit with the clerk of the county to which they respectively belong, a certified copy of the recorded survey of said road, as the same has been duly laid out, which certified copy the said clerk shall file and preserve in his office.

Duties of township clerks.

Sec. 3. The boards of supervisors of each of the counties of Allegan, Ottawa and Kent, respectively at their annual meeting in September of each year, named in the first section of this act, shall make out a statement of the descriptions of lands in their respective counties, and within the limits designated in the first section of this act, together with the amount of highway tax assessed and returned

Duty of supervisors

as unpaid, on each description, and shall deliver the same to the county treasurer of their respective counties, who shall file the same in his office.

**Duty of  
county clerk's**

Sec. 4. The county clerks of each of the above named counties shall, at the time mentioned in the preceding section, prepare separate statements as required in the preceding section, for each of the townships in which the said lands lie, of the amounts of highway taxes to be collected in the said townships, which statements shall be delivered to the supervisors of the townships respectively; who shall append said statements to the collection roll deposited by them with their respective town treasurers, and all taxes which said treasurer shall collect on lands set forth in such statement, he shall pay over to the county treasurer, at the same time he shall make his return of unpaid taxes.

**Accounts to  
be opened.**

Sec. 5. The county treasurers of the counties of Allegan, Ottawa and Kent, respectively, shall each open accounts in a book to be provided at the expense of the counties, respectively, for that purpose, with "the Allegan and Grandville road fund," and shall credit to said fund all moneys that may be paid to them respectively, under the provisions of this act, and shall charge to said fund all warrants drawn in pursuance of this act, all payments made to the commissioners on account of their services, and such other necessary expenses, in carrying into execution the purposes of this act, which may be audited by the boards of supervisors of the respective counties named herein.

**Special com-  
missioner.**

Sec. 6. A special commissioner shall be appointed for each of the counties named in this act, who shall have the superintendence of said road within their respective counties, and shall direct where all labor shall be performed on said road.

**Highway  
labor.**

Sec. 7. Any non-resident who may wish to perform the labor assessed upon his lands lying within the limits designated in the first sections of this act, may apply, either by his agent or otherwise, to the special commissioner of the county in which the lands lie; and on such application, the said commissioner shall direct when and where, and in what manner, the labor may be performed on said road; and whenever the same shall be fully and satisfactorily performed, the said commissioners shall give a receipt therefor; and

upon presentation of such receipt to the overseer of highways of the road district in which such lands lie, before the time designated by law for the return of unpaid highway taxes, the said overseer shall cancel the tax acknowledged to be paid by said receipt.

Sec. 8. Whenever any person shall commute the highway tax assessed upon non-resident lands embraced within the provisions of this act, and the same shall be paid to the overseer of highways, he shall pay over the same, within thirty days thereafter, to the township treasurer, who shall give duplicate receipts therefor, one of which receipts said overseer of highways shall deposit with the county treasurer, within ten days thereafter; and the township treasurer shall pay to the county treasurer, on or before the fifteenth day of November in each year, all moneys that may come into his hands from overseers of highways.

Overseer to pay over money.

Sec. 9. The said special commissioners, each in his own county, shall have power to let or contract by public auction any job or work upon said road, giving public notice thereof in a newspaper in said county, if there be one, and by posting up three or more written or printed notices in the most public places in the county at least ten days before the time of letting such contract, which shall be let to the lowest bidder, giving good security to the satisfaction of the commissioner for the faithful performance of said contract.

To let contracts.

Sec. 10. Whenever any such contract shall be performed, the commissioner shall certify to the fact upon such contract, and shall thereupon draw his warrant upon the county treasurer for the payment of the same out of the Allegan and Grandville road fund, and shall attach such warrant to the said contract. And in case any person having so contracted shall fail in the performance of his contract, it shall be the duty of the commissioner to cause the same to be prosecuted in his own name for the benefit of the aforesaid act.

Commissioner to draw warrant.

Sec. 11. Each of the special commissioners shall receive as a compensation for their services, one dollar per day, for each day actually employed in the business of the said road, which actual employment each commissioner shall verify by his affidavit, and his account for services so verified, shall be paid by the treasurer of his proper county out of said road fund.

Compensation of com.

Sec. 12. Flavius J. Littlejohn of the county of Allegan, Hiram

Commissioners.

Jennison of the county of Ottawa, and Roswell Britton of the county of Kent, are hereby appointed special commissioners under this act for the counties in which they respectively reside, and in case either commissioner do not take and file the oath of office required by the constitution of this state, with the clerk of his proper county, on or before the first day of June next, the neglect thereof shall be deemed a vacancy, and all vacancies which may happen by death, removal or otherwise, shall be filled by the board of supervisors of the respective counties, and any person so appointed shall before entering upon the duties of his office, take and file as aforesaid the constitutional oath of office.

In case of neglect or refusal of com.

Sec. 13. If either special commissioner shall neglect or refuse to perform the duties of his office, the board of supervisors of the proper county shall have power to remove such commissioner from office, but no removal shall be made without giving the said commissioner notice and permitting him to be heard in his defence, all which proceedings shall be entered at large upon their journal.

Sec. 14. The laws regulating highways in this state, not contravening the provisions of this act, shall apply to this road.

Approved March 8, 1844.

### No. 39.

**AN ACT** to lay out, establish and provide for the construction of a state road from the village of Battle Creek, through the village of Hastings, to intersect the Grand River and Kalamazoo road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there shall be laid out and established a state road, commencing at the village of Battle Creek, in the county of Calhoun, and running thence on the most direct and eligible route via the village of Hastings, in the county of Barry, to intersect the Kalamazoo and Grand River road, at or near where the same crosses the line between the counties of Barry and Kent; and that John Meacham of Calhoun county, Jason Cowles, Albert E. Bull and Calvin G. Hill, of Barry county, be, and they are hereby appointed commissioners to lay out and establish said road.

Commissioners appointed.

Sec. 2. It shall be the duty of the aforesaid commissioners, to file



the survey of so much of said road, (as shall be laid out in each township,) in the office of each township clerk, whose duty it shall be to record the same in the road book of the township.

Sec. 3. One half of the road moneys collected from non-resident lands in the several surveyed townships, through which said road may pass, (that have not been expended) shall be applied to the opening and working of said road, and that the highway taxes which may hereafter be assessed upon the lands owned by non-residents, laying within one mile each way (at right angles) from the centre line of said road, shall be appropriated and applied to the opening and working of said road, and whenever said lines cover any part of a sectional division, it shall embrace the whole of said sectional division or forty acre lot. Taxes appropriated.

Sec. 4. Albert E. Bull, be, and he is hereby appointed special commissioner, to disburse the moneys aforesaid, who shall have power to let, or contract any job, or work upon said road, first giving public notice thereof by posting up notices at the most public places within the several townships through which said road passes, and as near as may be upon the line of said road, which said notices shall be posted up at least twenty days before the time of letting such contracts, and shall state where the work is to be performed, and the kind thereof, the time limited for the performance, the time when and where the work will be let, to the lowest bidder, who shall give good and sufficient bonds, with one or more sureties, to the special commissioner, for the faithful performance of said contract: *Provided, nevertheless,* That a majority of the commissioners appointed by the first section of this act, shall have power at any time to direct where and in what manner such moneys shall be laid out or expended on said road, and the special commissioner is hereby required to lay out such moneys according to such direction. Special commissioner appointed.

Sec. 5. It shall be the duty of the special commissioner to make out a correct list of all the non-resident land covered by the provisions of this act, and file the same with the county treasurer of the county wherein those lands are located, and it shall be the duty of the county treasurer to withhold from the several townships the moneys accruing on such non-resident lands, and pay over the same to said special commissioner, who shall render to the board of supervisors of each county a true account of the application and disburse- Duty.

## No. 30.

## AN ACT to improve the navigation of the Flint River.

**Lands ap-  
propriated.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there be appropriated of the state lands for internal improvements, 5000 acres, for the purpose of clearing the flood wood from, and otherwise improving the navigation of the Flint river, from the village of Flint to the Saginaw river.

**Contracts  
payable** Sec. 2. The commissioners of internal improvement, in making contracts on said river, under the appropriation in section one of this act, shall make them payable in warrants not bearing interest, payable only in internal improvement lands on demand, and said warrants shall be receivable at the land office for such lands.

**Canal may  
be cut.** Sec. 3. If the commissioner of internal improvement shall be satisfied on due examination that a canal can be cut around the drift-wood in said river, at a less cost than the removing of the same, he is authorized hereby to cause the said canal to be cut instead of removing the drift-wood from the bed of the river.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 6, 1844.

## No. 31.

## AN ACT relative to the streets of recorded but unincorporated village plats.

**Streets un-  
der care  
overseers.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That such streets of recorded but unincorporated village plats, as the commissioners of highways shall deem to be required for public highways, shall be included in the several road districts of the respective townships in which they are situated, and shall be subject to the care and superintendence of the commissioners and overseers of highways relative to repairs, and in like manner as other highways are now by law provided for.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1844.

No. 32.

AN ACT to provide for laying out a State Road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That James W. Hickok, Jesse Hart and George W. Bentley, of Eaton county, be, and they are hereby appointed commissioners to lay out and establish a state road from the village of Eaton Rapids, in the county of Eaton, by the most direct and feasible route, to the village of Bellevue, in the county of Eaton; and a copy of so much of the survey of said road as shall be within each township through which said road shall pass, shall be filed in the office of the township clerks of said townships, and the said township clerks shall record the same in like manner as township roads are recorded; and in case said road shall not be laid out, in two years from the passage of this act, then the provisions of this section shall be void.

Commissioners appointed.

Survey to be filed.

Sec 2. The commissioners of highways of the several townships in the county of Eaton, through which the Clinton road passes, be, and they are hereby authorized to alter said road, in such manner as they may think public good requires, and for that purpose they shall have power to take up or vacate, and relay any part of said road within their own townships, and file the survey of such alterations in the office of the township clerk which shall be recorded by said clerk in like manner as alterations in township roads are recorded; and the State shall not be liable for any expense incurred or damages sustained in laying out or altering said roads.

Commissioners to alter certain road in Eaton county.

Approved March 6, 1844.

No. 33.

AN ACT for the appropriation of certain highway taxes, for the improvement of the state road leading from Coldwater to Centreville.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That for the purpose of improving the state road leading from Coldwater to Centreville, there shall be appropriated to be expended on that part of the road running through

Highway  
taxes appro-  
priated.

the townships of Mattison and Batavia, in the county of Branch, by the highway commissioners of the aforesaid townships, so much of the highway taxes as may be assessed upon the lands owned by non-residents, the next succeeding two years, in the township of Mattison, and upon non-resident lands on the line of said road one mile each way from the centre of the road in the township of Batavia, as shall be uncollected by the overseers of highways which shall be assessed on the tax roll by the supervisor of the township aforesaid.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1844.

### No. 34.

**AN ACT to authorize the minor heirs of the late Jared Higbee, deceased, to release their claim to a certain tract of land.**

Minor heirs  
to deed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Myron N. Higbee, Seymour T. Higbee, Lucy Higbee and Elizabeth Higbee, minor children and heirs at law of the late Jared Higbee, deceased, be, and they are hereby authorized and empowered, under the direction and supervision, and subject to the control and approval of the Judge of probate for the county of Clinton, in conjunction with the widow and other heirs at law of the said Jared Higbee, deceased, to release and convey by deed under their hands and seals, to Elisha B. Isham, all their legal interest and estate, in and to the following described lands, to wit: The south-east quarter of the south-west quarter of section eleven, in township five north, of range four west.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1844.

No. 35.

**AN ACT** to authorize the commissioners of highways of the township of Marshall to order and direct where a portion of certain highway labor shall be laid out.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners of highways in the township of Marshall, in the county of Calhoun, shall have the right and power to order and direct a portion of the highway labor <sup>Labor on certain roads</sup> not exceeding one-fourth, assessed in the village of Marshall, to be laid out on such public highways leading from said village into the country as they shall deem necessary: *Provided*, That the labor so directed shall be laid out within the said township of Marshall.

Sec. 2. The order of the said commissioners of highways directing said highway labor as hereinbefore provided shall be made out in writing and signed by said commissioners, or a majority of them, <sup>Order made in writing.</sup> and delivered to the Recorder of said village who shall file the same in his office and make and deliver copies thereof to the street commissioners of said village, who shall cause the amount of labor so ordered by said commissioners of highways, to be laid out according to the directions contained in said order.

Approved March 7, 1844.

No. 36.

**AN ACT** to to amend an act entitled "an act to require an annual settlement with the state of certain state officers and agents and for other purposes," approved February 4th, 1842.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the annual settlement of the <sup>Accounts settled by state auditors.</sup> accounts of the several receiving or disbursing officers or agents of the state before the board of State Auditors, shall be had on or as soon after the first day of December in each year, as the accounts of said officers and agents or the books of the Auditor General can be closed for the preceding fiscal year, of which time the Auditor General <sup>Auditor General to give notice,</sup> shall give notice to the chairman of the board of Auditors, who shall thereupon require said several officers or agents to appear be-

fore the board at the office of the State Treasurer on some day to be designated by said chairman, of which time he shall also notify the other members of the board.

Expiration  
of term of  
any officer.

Sec. 2. As soon as practicable after the expiration of the official term of any receiving or disbursing officer or agent as aforesaid, the Auditor General shall give notice to the board of State Auditors and to such officer or agent, to meet at his office or at the office of the State Treasurer, for the purpose of making a full and final settlement of the accounts of such officer or agent, in the same manner as is provided in relation to the annual settlement of said accounts in the act to which this is amendatory.

Officers to  
deliver over  
books, pa-  
pers, &c.

Sec. 3. Any officer or agent of the state, into whose hands any money, books, papers, evidences of debt, or other instruments or property of whatever nature belonging to the state, may have come or shall hereafter come by virtue of his office or agency, who shall refuse or neglect, on demand to deliver the same to his successor in office, or other person or persons authorized by law to receive or have charge of the same, shall be punished in the same manner as is now or shall hereafter be provided by law in regard to persons guilty of fraud or embezzlement in the state treasury.

Sec. 4. This act shall take effect from and after its passage.

Approved March 7, 1844.

### No. 37.

## AN ACT to attach the counties of Kent and Ottawa to the third judicial circuit.

Supreme  
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Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That when the supreme court shall be held at Kalamazoo, it shall exercise its appellate jurisdiction in suits in chancery and at law, and in probate cases, originating as well in the counties of Kent and Ottawa, as in those counties concerning which the like provision is now made by law.

Sec. 2. So much of section 7, of chapter 1, of title 1, part 3, of the revised statutes [page 359,] as gives to the said court when sitting at Pontiac, jurisdiction over cases arising in said county of Kent and the counties and districts thereto attached for judicial purposes, is hereby repealed: *Provided*, That all cases arising in said counties,

or either of them, and now being in the supreme court, in either circuit thereof, shall be heard and determined in the circuit they now are, unless otherwise ordered by the said supreme court.

Approved March 7, 1844.

No. 38.

**AN ACT to provide for the construction and improvement of the road running from Allegan in the county of Allegan, to Grandville, in the county of Kent.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That for the purpose of constructing and improving the road leading from the village of Allegan in the county of Allegan, to the village of Grandville in the county of Kent, there shall be appropriated to be expended as hereinafter directed, the highway taxes which may be assessed in the years 1844, 1845, and 1846, upon lands described and set down in the assessment rolls of the several years respectively as non-resident lands, and which shall be embraced within the limits of each section, any part of which section shall be within three miles of the centre of said road, commencing at the north line of section twenty-eight, in town number two north, of range number thirteen west, and ending at the south line of section number eighteen, in town number six north, of range number twelve west.*

Sec. 2. The township clerks of the several townships, through which the said road passes, and in whose offices a survey of said road has been or may be recorded, are hereby required on or before the first day of June next, to deposit with the clerk of the county to which they respectively belong, a certified copy of the recorded survey of said road, as the same has been duly laid out, which certified copy the said clerk shall file and preserve in his office.

Duties of township clerks.

Sec. 3. The boards of supervisors of each of the counties of Allegan, Ottawa and Kent, respectively at their annual meeting in September of each year, named in the first section of this act, shall make out a statement of the descriptions of lands in their respective counties, and within the limits designated in the first section of this act, together with the amount of highway tax assessed and returned

Duty of supervisors

as unpaid, on each description, and shall deliver the same to the county treasurer of their respective counties, who shall file the same in his office.

**Duty of  
county clk's**

Sec. 4. The county clerks of each of the above named counties shall, at the time mentioned in the preceding section, prepare separate statements as required in the preceding section, for each of the townships in which the said lands lie, of the amounts of highway taxes to be collected in the said townships, which statements shall be delivered to the supervisors of the townships respectively; who shall append said statements to the collection roll deposited by them with their respective town treasurers, and all taxes which said treasurer shall collect on lands set forth in such statement, he shall pay over to the county treasurer, at the same time he shall make his return of unpaid taxes.

**Accounts to  
be opened.**

Sec. 5. The county treasurers of the counties of Allegan, Ottawa and Kent, respectively, shall each open accounts in a book to be provided at the expense of the counties, respectively, for that purpose, with "the Allegan and Grandville road fund," and shall credit to said fund all moneys that may be paid to them respectively, under the provisions of this act, and shall charge to said fund all warrants drawn in pursuance of this act, all payments made to the commissioners on account of their services, and such other necessary expenses, in carrying into execution the purposes of this act, which may be audited by the boards of supervisors of the respective counties named herein.

**Special com  
missioner.**

Sec. 6. A special commissioner shall be appointed for each of the counties named in this act, who shall have the superintendence of said road within their respective counties, and shall direct where all labor shall be performed on said road.

**Highway  
labor.**

Sec. 7. Any non-resident who may wish to perform the labor assessed upon his lands lying within the limits designated in the first sections of this act, may apply, either by his agent or otherwise, to the special commissioner of the county in which the lands lie; and on such application, the said commissioner shall direct when and where, and in what manner, the labor may be performed on said road; and whenever the same shall be fully and satisfactorily performed, the said commissioners shall give a receipt therefor; and



upon presentation of such receipt to the overseer of highways of the road district in which such lands lie, before the time designated by law for the return of unpaid highway taxes, the said overseer shall cancel the tax acknowledged to be paid by said receipt.

Sec. 8. Whenever any person shall commute the highway tax assessed upon non-resident lands embraced within the provisions of this act, and the same shall be paid to the overseer of highways, he shall pay over the same, within thirty days thereafter, to the township treasurer, who shall give duplicate receipts therefor, one of which receipts said overseer of highways shall deposit with the county treasurer, within ten days thereafter; and the township treasurer shall pay to the county treasurer, on or before the fifteenth day of November in each year, all moneys that may come into his hands from overseers of highways.

Overseer to pay over money.

Sec. 9. The said special commissioners, each in his own county, shall have power to let or contract by public auction any job or work upon said road, giving public notice thereof in a newspaper in said county, if there be one, and by posting up three or more written or printed notices in the most public places in the county at least ten days before the time of letting such contract, which shall be let to the lowest bidder, giving good security to the satisfaction of the commissioner for the faithful performance of said contract.

To let contract.

Sec. 10. Whenever any such contract shall be performed, the commissioner shall certify to the fact upon such contract, and shall thereupon draw his warrant upon the county treasurer for the payment of the same out of the Allegan and Grandville road fund, and shall attach such warrant to the said contract. And in case any person having so contracted shall fail in the performance of his contract, it shall be the duty of the commissioner to cause the same to be prosecuted in his own name for the benefit of the aforesaid act.

Commissioner to draw warrant.

Sec. 11. Each of the special commissioners shall receive as a compensation for their services, one dollar per day, for each day actually employed in the business of the said road, which actual employment each commissioner shall verify by his affidavit, and his account for services so verified, shall be paid by the treasurer of his proper county out of said road fund.

Compensation of com.

Sec. 12. Flavius J. Littlejohn of the county of Allegan, Hiram

**Commissioners.** Jennison of the county of Ottawa, and Roswell Britton of the county of Kent, are hereby appointed special commissioners under this act for the counties in which they respectively reside, and in case either commissioner do not take and file the oath of office required by the constitution of this state, with the clerk of his proper county, on or before the first day of June next, the neglect thereof shall be deemed a vacancy, and all vacancies which may happen by death, removal or otherwise, shall be filled by the board of supervisors of the respective counties, and any person so appointed shall before entering upon the duties of his office, take and file as aforesaid the constitutional oath of office.

**In case of neglect or refusal of com.**

**Sec. 13.** If either special commissioner shall neglect or refuse to perform the duties of his office, the board of supervisors of the proper county shall have power to remove such commissioner from office, but no removal shall be made without giving the said commissioner notice and permitting him to be heard in his defence, all which proceedings shall be entered at large upon their journal.

**Sec. 14.** The laws regulating highways in this state, not contravening the provisions of this act, shall apply to this road.

Approved March 8, 1844.

### No. 39.

**AN ACT** to lay out, establish and provide for the construction of a state road from the village of Battle Creek, through the village of Hastings, to intersect the Grand River and Kalamazoo road.

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there shall be laid out and established a state road, commencing at the village of Battle Creek, in the county of Calhoun, and running thence on the most direct and eligible route via the village of Hastings, in the county of Barry, to intersect the Kalamazoo and Grand River road, at or near where the same crosses the line between the counties of Barry and Kent; and that John Meacham of Calhoun county, Jason Cowles, Albert E. Bull and Calvin G. Hill, of Barry county, be, and they are hereby appointed commissioners to lay out and establish said road.

**Commissioners appointed.**

**Sec. 2.** It shall be the duty of the aforesaid commissioners, to file

the survey of so much of said road, (as shall be laid out in each township,) in the office of each township clerk, whose duty it shall be to record the same in the road book of the township.

Sec. 3. One half of the road moneys collected from non-resident lands in the several surveyed townships, through which said road may pass, (that have not been expended) shall be applied to the opening and working of said road, and that the highway taxes which may hereafter be assessed upon the lands owned by non-residents, laying within one mile each way (at right angles) from the centre line of said road, shall be appropriated and applied to the opening and working of said road, and whenever said lines cover any part of a sectional division, it shall embrace the whole of said sectional division or forty acre lot. Taxes appropriated.

Sec. 4. Albert E. Bull, be, and he is hereby appointed special commissioner, to disburse the moneys aforesaid, who shall have power to let, or contract any job, or work upon said road, first giving public notice thereof by posting up notices at the most public places within the several townships through which said road passes, and as near as may be upon the line of said road, which said notices shall be posted up at least twenty days before the time of letting such contracts, and shall state where the work is to be performed, and the kind thereof, the time limited for the performance, the time when and where the work will be let, to the lowest bidder, who shall give good and sufficient bonds, with one or more sureties, to the special commissioner, for the faithful performance of said contract: *Provided, nevertheless,* That a majority of the commissioners appointed by the first section of this act, shall have power at any time to direct where and in what manner such moneys shall be laid out or expended on said road, and the special commissioner is hereby required to lay out such moneys according to such direction. Special commissioner appointed.

Sec. 5. It shall be the duty of the special commissioner to make out a correct list of all the non-resident land covered by the provisions of this act, and file the same with the county treasurer of the county wherein those lands are located, and it shall be the duty of the county treasurer to withhold from the several townships the moneys accruing on such non-resident lands, and pay over the same to said special commissioner, who shall render to the board of supervisors of each county a true account of the application and disburse- Duty.

ment of the moneys he may have received as aforesaid, on or before the first day of November in each year.

**To take oath** Sec. 6. Before said board of commissioners shall enter upon their duties, they shall take the oath prescribed by the laws of this State, and the special commissioner shall give bonds, with one or more good and sufficient sureties, which bond shall be approved by a majority of the board of supervisors of the county where he resides, and filed with the county clerk of Barry county, and said special commissioner shall receive for his services, (when actually employed) one dollar per day, to be allowed and paid by the board of supervisors by their warrant drawn on the county treasurer, to be paid out of the fund created by this act, and the board of supervisors may require said commissioner to verify his amount of services by affidavit.

**Pay.** Sec. 7. The moneys collected in a township shall be disbursed in the same township, and the pay of the special commissioner shall be divided pro rata among the several counties, according to the length of the road in each county.

Sec. 8. This act shall be and remain in force for the term of five years, and shall take effect from and after its passage.

Sec. 9. That in laying and working the above mentioned road, the State shall in no instance be liable for any expense or damages incurred thereby.

Approved March 8, 1844.

## No. 40.

### AN ACT to provide for the foreclosure of mortgages.

**Foreclosed by advertisement.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That every mortgage of real estate, containing therein a power of sale upon default being made in any condition of such mortgage, may be foreclosed by advertisement, in the cases and in the manner hereinafter specified: *Provided,* That in all cases of mortgages executed since the thirteenth day of April, in the year 1841, the premises mortgaged shall be appraised and set off in accordance with the statutes in force at the time of their execution, unless otherwise provided for in said mortgage.

Sec. 2. To entitle any party to give a notice as herein prescribed,

and to make such foreclosures, it shall be requisite—first, that some default in a condition of such mortgage shall have occurred, by which the power of sale became operative ; and second, that no suit or proceeding shall have been instituted at law or in chancery, to recover the debt then remaining secured by such mortgage or any part thereof ; or if any suit or proceeding has been instituted, that the same has been discontinued, or that any execution upon the judgment rendered thereon, has been returned unsatisfied in whole or in part. Certain conditions.

Sec. 3. That notice that such mortgage will be foreclosed, and the mortgaged premises, or some part of them sold, shall be given by publishing the same for twelve successive weeks, at least once in each week, in a newspaper published in the county in which such premises to be sold, or some part of them, are situated ; and if no newspaper be printed in such county, then such notice shall be published in some newspaper published at the seat of government of this state. Publication.

Sec. 4. The sale shall be at public vendue, between the hours of nine o'clock in the morning and the setting of the sun, at the place of holding the circuit court within the county in which the premises to be sold are situated ; and the same shall be made by the person appointed for the purpose in the mortgage, or by the sheriff, the under sheriff, or a deputy sheriff of said county, to the highest bidder therefor, and said sale may be postponed from time to time, by inserting a notice thereof in the paper in which the original notice appeared, as soon as practicable, which shall be continued to the day of sale, at the expense of the party requesting such postponement. Sale.

Sec. 5 When any real estate offered for sale by virtue of the provisions of this act, shall consist of several distinct lots, tracts or parcels, such lots, tracts or parcels, shall be separately exposed for sale ; and no more of any real estate shall be exposed for sale than shall appear necessary to satisfy the mortgage ; and in cases where a mortgage is given payable in instalments, and the land mortgaged consists of a single eighty acre lot or farm, and it becomes necessary to sell for any instalment other than the last, parts and portions of such lot or farm may be sold in a form as nearly square as practicable, and situated in or as near as may be in the northeast corner of the tract of which it is a part. When real estate consists of separate lots.

Sec. 6. That the officer or person making the sale, shall forthwith

Duties of officers making sale.

Duties of register.

make and execute to the purchaser a deed of the premises sold, specifying therein as the consideration of such deed, the precise amount for which the premises were sold, and he shall endorse thereon the time when the same shall become operative in law, and subscribe his name thereto, and deposit the same with the register of deeds of the proper county; and unless the premises shall be redeemed within two years, then said register shall deliver said deed to the purchaser; and such deed, from the expiration of the time to redeem, shall vest in the grantee in such deed, his heirs or assigns, all the right, title and interest which the mortgagor had at the time of the execution of the mortgage or at any time thereafter; but if the said mortgagor, his heirs, executors, administrators or any person lawfully claiming from or under him or them, shall within the time aforesaid, redeem the said premises by paying to the purchaser, or to his executors, administrators or assigns, or to the register of deeds where said deed is deposited, for the benefit of such purchaser, the sum which was bid on said real estate, together with the interest on that sum from the time of the sale, at the rate of seven per cent. per annum, then the said deed shall be destroyed by the register aforesaid, and the register shall also enter in the book of mortgages, on the page where the said mortgage is recorded, a memorandum that said mortgage is satisfied and paid, in whole or in part, as the case may be.

Evidence of foreclosure and sale.

Sec. 7. Any party desiring to perpetuate the evidence of any sale, pursuant to the provisions of this act, may procure the following affidavits: First, an affidavit stating the publishing of the notice of sale in a newspaper, to be made by the printer of such newspaper, or some person in his employ knowing the facts, and second, an affidavit stating the circumstances respecting the sale of the premises, to be made by the person who acted as auctioneer at the sale.

Affidavits.

To be recorded &c.

Sec. 8. The said affidavits shall be taken before a judge of a court of record, or master in chancery, notary public, or justice of the peace of the county in which the premises are situated, and shall be recorded in the book of mortgages in the registry of deeds of said county, and the affidavits so recorded, or copies thereof, certified by the register in whose office the same shall have been recorded, shall be received as presumptive evidence of the facts therein contained.

Sec. 9. If after the sale of any real estate made as herein prescribed

ed, there shall remain in the hands of the Register, any surplus money paid to him by the person making the sale after satisfying the mortgage on which such real estate was sold, the same shall be paid to the mortgagor his legal representatives or assigns on demand. Surplus money.

Sec. 10. The fees and charges allowed by law foreclosing any mortgage shall in all cases be added to the amount due on the mortgage, and be considered a part thereof in the sale of the mortgaged premises, and also in the redemption thereof. Fees, &c.

Sec. 11. In case of the death of any person to whom a deed may be made under the provisions of this act, before the expiration of the time to redeem, the said deed shall be delivered to his heirs, executors, administrators or assigns, and shall have the same operation and effect as though delivered to the purchaser in the lifetime of the grantee in such deed named. Case of death.

Sec. 12. All acts or parts of acts inconsistent with this act, be and the same are hereby repealed ; but this act shall not be construed to affect any proceedings commenced or had under or by virtue of any acts or parts of acts repealed by this act.

Approved March 9, 1844.

### No. 41.

## AN ACT to provide for establishing and improving the Pontiac and Grand River road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That James M. Wilcox of Genesee county, Boormand Dennis of Shiawassee, and Orange Ferguson, of Clinton, be, and they are hereby authorized and empowered to examine the road leading from Portland in the county of Ionia, through De Witt, in the county of Clinton, Byron, in the county of Shiawassee, and Fentonville in the county of Genessee, to the Saginaw turnpike, and if in their opinion, public good requires any alteration or change in said road as it now runs, they are hereby authorized to make the same, and file a survey thereof in the township clerk's office of the town where such alteration is made ; and also to file in the office of the township clerk of each town through which said road shall pass, a description of so much of said road (designated by the Commissioners to examine road.

number or survey of said road as recorded in the said clerk's office,) as is embraced within said town ; and said road shall be denominated the Pontiac and Grand River Road.

Damages.

Sec. 2. All damages which shall be claimed by any person for right of way, on account of any alteration which may be made in said road, shall be settled and adjusted as is now prescribed by law for claims of a similar kind.

Highway  
tax appro-  
priated.

Sec. 3. For the purpose of improving said road, there shall be, and is hereby appropriated, to be expended as hereinafter provided, the highway tax which may be hereafter assessed upon the lands owned by non-residents upon the line of said road, for the distance of two miles each way from the centre thereof: *Provided*, That if any lot or description, not exceeding eighty acres of land, (owned by non-residents as aforesaid,) shall be partially embraced within said limits, and extend beyond said two miles, the highway tax upon said description shall be deemed appropriated as aforesaid.

Duty of  
commission-  
ers and  
overseers of  
highways.

Sec. 4. The commissioners of highways of the several towns, in their warrants to overseers of highways, where any lands are situated, the tax of which has been appropriated as aforesaid, shall direct said overseer to apply said highway tax upon said road; and said overseer is hereby required to apply all such road tax as may be worked by non-residents or their agents as directed in his warrant, provided his district embraces any part of said road ; but if his district be not contiguous to said road, then said overseer shall certify the amount of tax upon any description of land within the provisions of this act, (upon application of any person to work the same,) to the overseer of the nearest district through which said road does run, which last mentioned overseer is hereby required to direct the performance of the work upon said road, and upon completion thereof, to give to the person performing the same, a receipt therefor, which, when presented to the overseer of the district where the land lies, shall discharge said tax ; (provided the same is presented before the time now prescribed by law for the return of unpaid highway taxes ;) and if any of said tax shall be commuted, and the money paid to any overseer whose district does not embrace any part of said road, said overseer shall, within sixty days thereafter, pay over said money to the county treasurer, and take his receipt therefor.



Sec. 5. It shall be the duty of the supervisors of the several towns in which any lands shall be situated, the tax of which is appropriated as aforesaid, before delivering the assessment roll to the treasurer or collecting officer for collection, to make out a statement of the description of all lands, together with the amount of highway tax assessed and returned on each description of land within the limits before designated, within their respective towns, and deliver the same to the county treasurer; and if said Pontiac and Grand River road passes through the town in which said tax shall be assessed, then said county treasurer shall place the amount of said highway tax, certified as aforesaid, to the credit of said road fund, subject to the order of the commissioners of highways of said town. But if said road does not pass through to said town, then said county treasurer shall place the same to the credit of said fund subject to the order of the commissioners of highways of the nearest town through which said road passes, and he shall in like manner credit all money that may be paid to him on account of said fund.

Duty of certain supervisors.

Sec. 6. The commissioners of highways of the several towns through which said road shall pass, shall appropriate the amount of their credit at the county treasurer's office for said fund, upon said road, in the same manner as is now provided by law for the appropriation of highway taxes, except that their warrants shall be drawn upon the county treasurer.

Certain duty of highway commissioners.

Sec. 7. The state shall not be chargeable for making the examination referred to in section one, nor for any expense whatever connected with said road.

Sec. 8. This act shall take effect and be in force from and after its passage, and shall remain in force five years and no longer, except for the purpose of applying any tax that may have been assessed and returned as aforesaid.

Approved March 9, 1844.

## No. 42.

**AN ACT to punish certain officers for taking or receiving unlawful fees, and for other purposes.**

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That any judge of probate, justice of the peace, or other judicial officer of the State, who shall intentionally take or receive any other or greater fee or reward for any service rendered or performed in any matter or proceeding brought or pending before such judge of probate, justice of the peace, or other judicial officer, than such as is or may be allowed by law, or shall, on demand, refuse to pay over any money' collected, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail for a term not exceeding six months, or by fine not exceeding two hundred dollars, or by both such fine and imprisonment, in the discretion of the court.

**Sec. 2.** Any sheriff, constable, county clerk, or other officer in this State, who shall intentionally take or receive any other or greater fee or reward, for any official service rendered or performed, than is or shall be allowed by law, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail for a term not exceeding four months, or by fine not exceeding one hundred and fifty dollars, or by both such fine and imprisonment, in the discretion of the court.

**Sec. 3.** That it shall be competent for the supreme court, and court of chancery, to award such costs to the successful party, on any motion or proceeding had in any suit in said county, or either of them, as may be deemed just and proper by the court before whom the same is heard and determined.

**Sec. 4.** This act shall take effect from and after its passage.

Approved March 9, 1844.

## No. 43.

AN ACT to amend chapter three, title one, part three of the revised statutes, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section sixteen of chapter three, title one, part three of the revised statutes, (pages 383, 384,) be and the same is hereby amended, by inserting between the words <sup>Act amend-  
ed.</sup> "day" and "and" in the fifth line the words "or to the presiding judge thereof within such time thereafter as he shall direct;" and also by adding at the end of the sixth line, the words "or by the presiding judge as the case may be," so that said section as amended shall read as follows: "Sec. 16. Any party aggrieved by any opinion, direction or judgment of any circuit court of any civil suit or action where a writ shall lie to remove a judgment therein to the supreme court, may allege exceptions thereto, which being reduced by writing and presented to the court before the adjournment thereof without day, or to the presiding judge thereof within such time thereafter as he shall direct, and being found conformable to the truth, shall be allowed and signed by the judges of the court, or by the presiding judge, as the case may be, and, on being filed, shall become a part of the record in the cause, if the party alleging such exceptions shall so elect."

Sec. 2. When no general or special order shall have been made by the presiding judge of any circuit court, prescribing the day on which the venires for summoning jurors shall be made returnable, <sup>Venires re-  
turnable on  
first day of  
term in cer-  
tain cases.</sup> such venires shall be made returnable on the first day of the term, and in all cases, unless otherwise ordered by the presiding judge, such venires shall be made returnable at 2 o'clock in the afternoon of the day therein specified for the return thereof.

Sec. 3. There shall in each year be two terms of the circuit court <sup>Two terms  
of court  
holden in  
each year.</sup> holden in each of the organized counties of this State, but no petit jury shall be summoned nor shall it be necessary for the presiding judge to attend at the second term of such court in any year in either <sup>Duty of pre-  
siding judge</sup> of the counties of Chippewa, Mackinac, Saginaw, Shiawassee, Clinton, Ionia, Barry, Eaton, Ingham, Ottawa, Van Buren and Allegan, unless the associate judges of any or either of said last named coun-

ties, shall at or before the time fixed by law for the drawing of jurors, determine that it is necessary that a petit jury be summoned to attend such second term, in which case they shall make an order to that effect and cause the same to be filed with the clerk who shall immediately thereafter transmit a notice thereof by mail or otherwise to the presiding judge, and it shall thereupon be the duty of such presiding judge to attend at such second term.

Power given  
to presiding  
judges to  
hold court,  
&c.

Sec. 4. The presiding judges of the several circuit courts shall have power to hold the same, either with or without the associate judges, and the associate judges of the circuit courts for the several counties, shall have power to hold such courts in the absence of the presiding judge subject to such limitations and restrictions as are or may be provided by law.

Jurisdiction.

Sec. 5. For the purpose of issuing subpoenas or other process for the attendance of witnesses and compelling such attendance, the jurisdiction of the circuit courts respectively shall be co-extensive with the limits of this State.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 9, 1844.

## No 44:

### AN ACT to incorporate the Cottonwood Swamp Turnpike Company.

Incorporated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Amos Holmes, Almon Harrison, Roswell W. Knight, Darius Mead and Guy Carpenter, be and they are hereby appointed commissioners under whom, or any two of whom, subscriptions may be received to the capital stock of the Cottonwood Swamp turnpike company hereby incorporated, and they shall cause books to be opened at any appropriate house which a majority of them shall designate, in the villages of Blissfield and Adrian, in the county of Lenawee, for two successive days at least, at such time as a majority of them shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving five days

notice of the time and place of receiving said subscriptions, by posting up notices thereof at such places as a majority of them shall direct, or publishing the same in such papers as will give general notoriety of said books being opened; and the subscribers thereto, their successors and assigns, for the period of thirty years after the passage of this act, be and the same are hereby ordained, constituted and declared to be a body politic and corporate, under the name and style of the "Cottonwood Swamp Turnpike Company," and by that name they and their successors for the period aforesaid, shall and may have succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have and keep a common seal, and they and their successors by the name aforesaid, shall in law be capable of purchasing and holding any lands, tenements, hereditaments and real and personal estate whatsoever: *Provided*, The same shall be necessary for the construction, repair and preservation of said turnpike road, for the erection of toll gates and toll houses thereon: *And provided further*, That the state of Michigan reserves to herself the right always of purchasing said turnpike road, by paying said company the amount of the original cost and subsequent repairs, with seven per cent per annum interest thereon, after deducting what may have been received for tolls the amount determined agreeable to the provisions hereinafter specified.

Sec. 2. The capital stock of said company shall be sixty thousand dollars, to be divided into one thousand and two hundred shares of fifty dollars each, which shall be paid to said commissioners or the president and directors that succeed them, at such time and in such instalments as the by-laws of said commissioners or their successors may require. Capital stock.

Sec. 3. When one tenth of said capital shall be subscribed, there shall be nine directors chosen by the stockholders, one of whom they shall annually elect their president, who shall hold their offices severally for one year, or until their successors be elected. The first election shall be held at such time and place as said commissioners shall determine, by giving twenty days previous notice thereof, by publication in some newspaper, at which meeting each stockholder may vote either in person or by proxy, each share being entitled to one vote. All elections thereafter shall take place on the first Tues- Directors.

thereof being given as aforesaid: *Provided*, that this incorporation shall not be deemed to be dissolved because the annual election was not held at the time above mentioned.

Sec. 4. That for the furtherance of the object of this corporation and the promotion of internal improvements, the said company be, and they are hereby authorized to take possession of that portion of the territorial or state road commencing in the county of Monroe, at the south line of the state of Michigan, opposite the town of Sylvania, in the state of Ohio, and terminating at the east end of the bridge across the River Raisin, in the village of Blissfield, Lenawee county. That upon or near the line of said road, it shall cause to be constructed a good and sufficient turnpike, at least twenty feet wide from the inner side of one ditch to the other, which ditches shall be of sufficient depth and width with under sluices and outlets sufficient to drain the water from said road, which, when graded and raised to a proper height, shall be covered with pounded stone or gravel to the depth of nine inches in the centre, gradually sloping to the depth of six inches at each side, substantially McAdamizing as above sixteen feet in width; or it shall be covered with charcoal to the depth of eighteen inches in the centre, gradually sloping to the depth of twelve inches at each side, the full width aforesaid; or there shall be laid down five stringers or bed timbers on a level with the surface of said road, the same resting on mud ties at sufficient distance to render the superstructure firm and durable, and these covered with good plank three inches thick and fourteen inches in length, firmly fastened to the stringers or bed timbers, so as to make a good road at all seasons of the year. Wherever other roads intersect said turnpike road, the said ditches on either side shall be so constructed and covered as to admit the convenient passage of carriages of any description.

Sec. 5. When the president and directors shall have completed said road, or five miles thereof, it shall be lawful for them to give notice thereof to the associate judges of Lenawee county, who shall personally examine from time to time such portions of said road as may be completed, and if they find the same done according to the true intent and meaning of this act, they shall certify the same in writing to the clerk of said county of Lenawee, and direct him to issue a license under the seal of the said county, to permit said president and directors to make and erect as many gates upon and across said road, as may be necessary and sufficient to collect the dues and tolls hereinafter granted to said incorporation, from all persons travelling or using

the same : *Provided however*, That they shall not have on said road more than one gate for taking whole toll, or two gates for taking half toll.

Sec. 6. As soon as the whole or part of said road shall be completed, and permission as aforesaid granted to erect a gate or gates across the same, it shall be lawful for the president and directors to appoint toll gatherers to collect and receive from all and every person and persons using said road at said whole toll gate or at each half toll gate in proportion, such tolls and duties, to wit : "For every score of hogs or sheep, ten cents ; for every wagon drawn by two horses, mule or oxen, twenty cents ; for every additional horse, mule or ox, five cents ; for every coach, pleasure wagon or pleasure carriage, twenty-five cents ; for every additional horse, six cents ; for every cart drawn by two oxen, fifteen cents ; for every additional yoke, ten cents ; for every horse or mule rode, led or driven, ten cents ; for every cart drawn by one horse, mule or ox, twelve and a half cents ; for all sleighs or sleds drawn by one or more horses, mules or oxen, half the toll for vehicles on wheels ; for every horse or mule and rider, ten cents ; for every head of neat cattle driven, two cents.

Gates may be erected.

Sec. 7. It shall and may be lawful for any toll gatherer to stop and detain any person, riding, leading or driving any cattle, horses, sheep, swine or any article named above in section six, as subject to pay toll, until the same be paid : *Provided*, That nothing in this section shall be so construed, as to enable said corporation to demand or receive toll from any person at any gate, passing to or from public worship, going to or returning from funerals, going to or returning from a grist mill, for grinding grain for family use, from any militia men or troops in the service of this state or the United States, or for the transportation of any property belonging to the United States, or to this state.

Certain cases no toll to be taken.

Sec. 8. The said corporation shall cause mile stones, or posts, to be erected and maintained, one for every mile of said road, from the state line or commencement of said road, westward to Blissfield, and on each stone or post shall be legibly marked or inserted, the distance said post is from Blissfield, and if any person shall cut, injure or destroy said mile posts, or said road itself, or shall forcibly pass the gates without payment of toll, such person or persons shall individually forfeit and pay for every such offence twenty-five dollars, to be recovered by said corporation, in their incorporate name, and for their benefit in an action of debt, before any justice of the peace in the coun-

Mile stones to be erected.

ty where said offence may be committed, or where the offender may be found, such offender or offenders shall also be liable to said company for all damages which said company shall sustain, by reason of the commission of any injury which said posts, or said road itself may sustain.

Toll gatherer.

Sec. 9. That if any toll gatherer shall unreasonably detain or hinder any traveller or passenger at either of said gates, or shall demand, or receive more toll than by this act is established, he shall, for every such offence, forfeit and pay twenty-five dollars, to be recovered by the person so unreasonably detained, or of whom such money was received or demanded, for his own use with costs of suit before any justice of the peace in the county where such detention occurred: *Provided*, That if no goods and chattels of said toll gatherer be found to satisfy said judgment and costs, the personal property of said company shall be liable to execution, issued on said judgment and the same may be seized on execution issued on said judgment and sold in the same manner, as if execution had issued against said company in its corporate name.

Shares.

Sec. 10. The shares of said Cottonwood Swamp turnpike company shall be held as personal property, and may be transferable in such manner as the president and directors shall direct.

When road is out of repair.

Sec. 11. Whenever complaint shall be made to either of the associate judges, mentioned in the fifth section of this act, in writing, that any part or parts of said road are out of repair, it shall be the duty of said associate judge to give notice to the other, both of whom shall proceed to examine such part or parts of said road and view the same, and if the same shall, in the view of said judges be out of repair, than the said judges shall give notice in writing, of such defect to the toll gatherer or person attending the gate, nearest the place out of repair, and may also, in their discretion, in the said notice order such gate or gates to be thrown open, and said gate or gates shall immediately after service of such notice, as aforesaid, be open and remain open, and no tolls shall be demanded until said road is put in complete repair, and if such keeper of the gate shall not immediately after the receipt of said notice, open such gate or gates, and keep the same open till after such repairs are completed, or shall hinder or detain any person or persons from passing said gates, or shall



take or demand toll from any person or persons, after receiving such notice and until such repairs are completed as aforesaid, the toll gatherer or gate keeper so detaining any person shall forfeit the sum of twenty-five dollars for each and every offence, to be recovered before any justice of the peace, in an action of debt, in any town where said detention occurs, and the property of said company shall be liable on said judgment, and the same may be taken on any execution issued thereon, in the same manner as if the same were issued against said company in its corporate name, and the said judges as a compensation for the duties required of them to perform by virtue of this act, shall receive one dollar and fifty cents per day for their services, every day they are employed, to be paid by the toll gatherer nearest where the services were rendered, out of any moneys collected at such places, and in default of such payments, by said toll gatherer, the stockholders shall be individually liable to said judges: *Provided*, That whenever it shall appear to said judges, that such complaint is made without sufficient reason, and is done for the purpose of harrassing the president and directors of said company, or the stockholders thereof, the person or persons, only, so complaining shall be responsible to said judges for their fees aforesaid, and the same may be recovered in an action of debt brought before any justice of the peace in the town where either of said complainants live or where either of them may be found.

Sec. 12. The said president and directors shall have power and it is hereby made their duty to appoint a treasurer who shall register in separate books, all sums of money deposited with him, whether the same was received for subscriptions to capital stock, tolls collected, or any other source, and for what purpose, and to whom the same was paid out. They shall also appoint a secretary, and such other clerks, or agents as they may deem necessary to transact the business of the incorporation, who shall severally execute bonds, in such sums as the company require for the faithful performance of the duties of their respective offices. Also meet from time to time at such places as they may consider expedient, to receive subscriptions until the whole capital stock shall be taken, unless it shall be ascertained that a less sum will be sufficient to fulfil the object of the incorporation: To demand at such time and in such proportion as they

Powers and  
duties of  
Board.

shall see fit, from the stockholders, the sum of money due on their respective shares under pain of forfeiture of such shares, and all previous payments thereon to the corporation to declare in what manner and under what restrictions the shares of their capital stock shall be transferable: They shall also keep a set of corporate books open at all times to any or all of the stockholders, in which shall be entered the cost of the construction of said road, fixtures and also the expenditures of said company, and also all moneys by them received, and an accurate account of the same, duly authenticated by the oath or affirmation of the officers of said company, shall be submitted to the legislature whenever the same shall be required, and the said directors shall make semi-annual dividends on the first Tuesday of May and November in each year, to each and every individual stockholder of his proportion of his semi-annual profits, after deducting the expenses of collecting the tolls, repairing said road, and the fixtures thereto appended, and generally may do all further acts necessary to carry into full force and effect the objects of this incorporation.

Not to im-  
pede travel-  
lers.

Sec. 13. The said company, in taking possession of the said territorial or state road, for the purpose of improving the same or making improvements thereon, shall not make any obstruction or difficulties to prevent or impede the passage of travellers, teams, carriages or vehicles, of any description, while such improvements are going on, except such as are necessary and unavoidable, and no unnecessary delay shall occur in the progress and completion of said road.

Election,  
&c.

Sec. 14. The commissioners named in the first section of this act, shall appoint one of their number to preside at the first election for directors; at all subsequent elections the president shall preside, or, in his absence, the senior director present shall preside. A majority of the directors shall, at all times, constitute a quorum to transact business, and the acts of a majority shall, at all times, bind the stockholders.

Time for  
completion.

Sec. 15. Said corporation is hereby required to commence said work within one year and to complete the same within three years, and said company shall have no rights or privileges to such parts of said road as shall not be completed within said three years; and the charter of said company may be altered and amended by a vote of two-thirds of both branches of the legislature.

**Sec. 16.** The stockholders of said company shall be held individually responsible for all liabilities or evidences of debt whatever against said company, and on the refusal or failure of the president and directors to surrender property in execution issued on judgment rendered against said company, the property of individual stockholders may be seized and sold on said execution in the same manner as if said execution had issued against either of said stockholders individually, and said liability shall continue until a transfer of stock is regularly entered upon the books of said company, and publication of the same made four successive weeks in some newspaper printed in Lenawee or Monroe counties: *Provided*, That nothing contained in this section shall be so construed as to render any stockholder individually liable for a greater amount than an equal proportion between the sum owed and the amount of capital stock owned by him.

Stockholders liable.

**Sec. 17.** It shall be the duty of the president and directors, before commencing the construction of said road, to make out, and publish, in some newspaper printed in Lenawee or Monroe counties, a list of all the names of the stockholders with the amount of stock held by each, and such publication shall be renewed on the first week in May and November in each year.

Duty of Board.

Approved March 9, 1844.

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No. 45.

**AN ACT** to amend section three of an act entitled "an act to repeal a part of chapter eight, title fifth, part first of the revised statutes, and for other purposes" approved February 17, 1842.

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the monies paid into any township, village or city treasury, under the provisions of an act to which this act is amendatory, in those townships, villages, and cities, where there is no township, village or city poor recognized, shall be appropriated to the purchase of township, village or city libraries.

Certain monies to be paid into libraries.

Approved March 9, 1844.

## No. 46.

**AN ACT to incorporate the Detroit and Port Huron Plank Road Company.**

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Jonathan Kearsley, Porter Kibbee, William Lewis and John Heath, be and they are hereby appointed commissioners under the direction of whom, or a majority of whom subscriptions may be received to the capital stock of the Detroit and Port Huron plank road company hereby incorporated ; and they shall cause books to be opened at the Franklin House, in the village of Mt. Clemens, county of Macomb, and at the office of Jonathan Kearsley in the city of Detroit, county of Wayne, for two successive days, at such time as a majority of them shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the time and place of taking such subscriptions, by posting up notices thereof in Detroit, Mt. Clemens and Port Huron, and also by publishing said notice in a paper printed in Detroit, also in Mt. Clemens ; and the said subscribers shall pay three dollars on each share subscribed at the time of subscribing therefor, and they and their successors and assigns, for the period of twenty years after the passage of this act, be and the same are hereby constituted and declared to be a body politic and corporate under the name of the Detroit and Port Huron plank road company, and by that name they and their successors, for the period aforesaid, shall and may have succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a common seal, and that they and their successors by the name aforesaid, shall in law be capable of purchasing and holding any lands, tenements, hereditaments and real estate whatsoever : *Provided*, That it shall be necessary for the construction, preservation and repair of said road, for the erection of toll gates and toll houses thereon. .

Capital.

Sec. 2. The capital stock of said company shall be one hundred and fifty thousand dollars, to consist of and be divided into one thousand five hundred shares of one hundred dollars each ; and it shall be

lawful for the said company, whenever its whole capital stock shall have been subscribed and ten thousand dollars paid in, to commence its business, and with that capital to conduct and carry on the same until the said company shall deem it expedient to call in its remaining capital; and the said commissioners shall make such distribution of the stock as they may deem for the best interests of the company.

**Sec. 3.** For conducting the business of said company, which shall be the improvement of the present Fort Gratiot turnpike from the city of Detroit to the village of Port Huron, in the county of St. Clair, there shall be five directors, to be chosen by the stockholders, one of whom they shall annually elect their president, who shall hold their offices for one year or until others shall be elected in their stead. The election of the first directors shall be held on the third Tuesday of June, 1844, at the Franklin House in the village of Mt. Clemens, and all subsequent elections shall be held at such time and place as the directors shall determine, thirty days notice thereof being first given, by publication in some newspaper in the city of Detroit and village of Mt. Clemens; at which meeting each stockholder may vote in person or by proxy, each share being entitled to one vote:—*Provided*, That this corporation shall not be decreed to be dissolved by reason that the annual election is not held at the time above mentioned. Directors.

**Sec. 4.** The said company be and they are hereby authorized to take immediate possession of the Fort Gratiot turnpike, from the city of Detroit to Port Huron in the county of St. Clair, fifty feet in width; that upon and within the lines of said turnpike it shall cause to be laid down a good and substantial plank road from Detroit to Port Huron, to consist of five bed timbers, and to be covered with sound pine or oak plank, three inches in thickness, and not less than eighteen feet in length; to be well fastened down to the said bed timbers, so as to make the same a good plank road at all seasons of the year.—*Said company shall have power to cut a ditch on either or both sides of said road sufficiently deep to drain the water from said road and the marshes adjoining, and carrying it off from the said road into the Detroit river, if said company deem it advisable; and the said road shall be completed in a good and workmanlike manner, and that said* To take possession of certain road.  
To cut a ditch.

ditches on either side, wherever other roads intersect the said plank road, shall be so constructed and covered as to allow the convenient passage of carriages and sleighs.

Subscrip-  
tions.

Sec. 5. The directors of said company may call for and demand of the stockholders and subscribers for stock, all such sum or sums of money as are by them respectively subscribed, which said sums, such stockholders and subscribers are hereby declared liable to pay at such times and in such proportions as the said directors shall deem best for the interest of the company. The said directors giving at least thirty days notice of such call or dividend in one newspaper in the village of Mt. Clemens and one in the city of Detroit, and in case of failure to pay the same the said directors may declare the shares of such subscribers or stockholders so failing forfeited, and such shares with all previous payments made thereon shall be thereby forfeited and become the property of said company.

Commission-  
ers.

Sec. 6. As soon as the president and directors shall have completed the said road, or ten miles thereof, it shall be lawful for the said president and directors to give notice thereof to the person administering the executive department of the government of this state, for the time being, who shall thereupon forthwith nominate and appoint three discrete freeholders commissioners, who are in no way interested in the said road, to view the same, and to report to him in writing whether such part of the road is completed in a workmanlike manner, according to the intent and meaning of this act; and if the report shall be in the affirmative, it shall be the duty of the person administering the executive department of this state for the time being, and he is hereby required by license under his hand, and the seal of this

Erect gates.

state, to permit the said president and directors to make and erect so many gates upon and across said road, as may be necessary and sufficient to collect the dues and tolls hereinafter granted to the said corporation, from all persons travelling or using the same: *Provided, however,* That they shall not have on said road from Detroit to Port Huron more than three gates for taking the whole toll, and three gates for taking half tolls, or in that proportion for so much of said road as may at the time be finished, only two of which, one for taking whole toll, and the other for taking half toll, shall at any time be placed between the city of Detroit and Mt. Clemens.

Sec. 7. As soon as the whole or eight miles of said road shall be completed, and permission as aforesaid granted to erect a gate or gates upon and across the same, it shall and may be lawful for said president and directors to appoint toll gatherers to collect and receive of and from all and every person and persons using said road, at each and every of said toll gates, and at each half toll gate in proportion, such tolls and duties, to wit: For every score of hogs or sheep, fifteen cents; for every wagon drawn with two horses, mules or oxen, twelve and a half cents; for every additional horse, mule, or ox, three cents; for every coach, pleasure wagon or pleasure carriage drawn by two horses, twelve and a half cents; for every additional horse three cents; for every chaise, sulky, or pleasure carriage drawn by one horse, six and a quarter cents, and for every additional horse, three cents; for every cart drawn by two oxen, nine cents, and for every additional yoke of oxen, four cents; for every horse or mule, rode, led or driven, four cents; for every cart drawn by one horse, six cents; for all sleighs or sleds drawn by one or more horses, mules, or oxen, half the toll for vehicles on wheels; for every horse or mule and rider, six cents. And it shall and may be lawful for any toll gatherer to stop any person riding, leading or driving any horses, cattle or sheep, or article named above in this section, as subject to pay toll, until the same be paid: *Provided, however,* That nothing in this act shall be construed to entitle the said corporation to demand or receive toll at any gate, of or from any person passing to or from public worship on Sundays, or going to or returning from funerals, or going to or from a grist mill, for the grinding of grain for family use; or from any troops in the service of this State or the United States; or for the transportation of any property belonging to the United States or this State.

Sec. 8. The said corporation shall cause mile stones or posts to be erected and maintained, one for every mile of said road, from Detroit northward to Port Huron, and on each stone or post shall be legibly marked or inserted, the distance the post is from Detroit, and shall also erect and maintain guide boards at the intersection of all public roads leading into or intersecting said plank road, on which shall be inscribed the name of the place to which said road leads; and if any person shall wilfully cut, injure or destroy said mile post,

guide boards or said road itself, or shall forcibly pass the gates without payment of toll, such person or persons shall forfeit and pay for every such offence twenty-five dollars, to be recovered by the said corporation in their corporate name, and for their benefit, in an action of debt, before any justice of the peace of the county where said offence is committed, or where the offender may be found; such offender or offenders shall also be liable to said company for all damages which said company shall sustain by reason of the commission of any wilful injury to said posts, guide boards or to said road.

Duty of toll  
gatherer.

Sec. 9. If any toll gatherer shall unreasonably detain or hinder any traveller or passenger at either of the said gates, or shall demand or receive more tolls than, by this act is established, he shall, for every such offence forfeit and pay twenty-five dollars, to be recovered by the person so unreasonably detained, for his own use, with costs of suit, before any justice of the peace in the county where such detention occurred: *Provided*, That if no goods and chattles can be found to satisfy said judgment and costs, then in that case the personal property of said company shall be liable to execution issued on said judgment, and the same may be taken on such execution in the same manner as if said execution was against said company in its corporate name.

Sec. 10. The shares of said plank road shall be deemed and considered to be personal property, and shall be transferable in such manner as the president and directors may direct.

When road  
out of re-  
pair.

Sec. 11. Whenever complaint shall be made to either of the three commissioners appointed in pursuance of the provisions of this act, that any part or parts of said road is out of repair, it shall be the duty of such commissioner to give notice to the other two commissioners who, with him, shall proceed to examine such part or parts of said road, and if the same shall, in the opinion of such commissioners, be out of repair, then the said commissioners shall give notice in writing of such defect, to the toll gatherer or person attending the gate nearest the place so out of repair, and may also, in their discretion, in the said notice, order such gate or gates to be thrown open, and the said gate or gates, so ordered to be thrown open, shall after service of such notice as aforesaid, be open and remain open; and no tolls shall be demanded until after said road is put in complete repair; and if such keeper of the gate shall not immediately, after the receipt of such notice, open such gate, and keep the same open until such repairs are completed, or shall hinder or detain any person or per-



sons in passing said gates, or shall take or demand any toll from any person or persons, after receiving such notice and until such repairs are completed as aforesaid, the toll gatherer or gate keeper, so detaining any person as aforesaid, shall forfeit and pay to the said person so detained as aforesaid, the sum of twenty-five dollars for each and every offence, to be recovered in an action of debt before any justice of the peace in any county where said detention occurs, and the property of said company shall be liable on said judgment, and the same may be taken in any execution issued thereon in the same manner as if the same were against said company in its corporate name; and the said commissioners appointed under and by virtue of this act, shall receive, as a compensation for their services one dollar and fifty cents per day for every day they are employed, to be paid by the toll gatherer nearest to where the service was rendered, out of the moneys collected at such places; and in default of such payment by said toll gatherer, the stockholders of said company shall, individually, be liable to said commissioners.

Sec. 12. The said board of directors shall keep a set of corporate books, open at all times to any or all of the stockholders, in which shall be entered the cost of the construction of said road and fixtures, and also the expenditures of said company, and all moneys by them received, and an accurate account of the same shall be submitted to the legislature, duly attested by the oath of the officers of said company whenever it shall be required, and the said directors shall make a semi-annual dividend to each and every stockholder of his proportion of the semi-annual profits, after deducting the expenses of collecting said tolls and of repairing said road and the fixtures thereto appended. To keep books.

Sec. 13. And the said board of directors shall have power to establish such by-laws and regulations as may be necessary for the management of the affairs of said company, and may appoint a secretary and treasurer to the board, and may do all further acts necessary to carry into effect the objects of this incorporation. By-laws.

Sec. 14. The said company in taking possession of said road for the purpose of constructing the same, and in making such improvements thereon, shall not allow any obstructions or difficulties to prevent or impede the passage of travellers, coaches, wagons, or vehicles of any description, while such improvements are going on, except such as are necessary and unavoidable, and that no unnecessary delay shall occur in the progress and completion of said road.

**Time of completion.** Sec. 15. If the said company shall not complete that part of said road which lies between Detroit and Mount Clemens, within three years from the passage of this act, and the balance of it within six years from the passage thereof, or if either of the toll gates on said road shall be kept up for the period of two months after notice is given that said road is out of repair, unless the same shall be repaired agreeably to the provisions of the eleventh section of this act, then, and in either case, the power and privileges granted to said company by this act, shall cease and be null and void.

**Individually liable.** Sec. 16. The stockholders of said company shall be individually liable for the debts and liabilities thereof, and may be sued either jointly or severally for the collection of the same, and the judgment recovered in such suit shall have the same force and effect as though recovered against said stockholder or stockholders upon their own, individual joint, or several liabilities, and said liability of the stockholders, shall continue and be in full force for the term of one year from the time they shall cease to be such stockholders, and any suit commenced within the said term of one year may be prosecuted to final judgment at any time thereafter according to the rules of the court in which such suit is so commenced.

Sec. 17. This act shall take effect and be in force from and after its passage, and the same may, at any time, be amended or modified by the legislature.

Approved March 9, 1844.

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## No. 47.

### AN ACT relative to the registry of certain deeds.

**Duties of register.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the register of deeds of the county of Wayne, shall record at length in the registry of deeds in his office, any conveyance or deed of land, duly executed and delivered by the Governor and judges of the late territory of Michigan, by virtue and in pursuance of an act of congress entitled "an act to provide for the adjustment of titles of land in the town of Detroit and territory of Michigan, and for other purposes," approved April 21, 1806; and the record of such conveyance or deed, or a transcript thereof duly certified by said register, may be read as prima facie ev-

idence in any court within this state, in case the original of such record, if produced in court, could be read in evidence of the title of the land therein described, under said act of congress.

Sec. 2. In any case where any such conveyance or deed duly executed by virtue and in pursuance of said act of congress as aforesaid, has been heretofore recorded in the registry of conveyances in the office of the register of deeds in the city of Detroit, or the register of probate, or the register of deeds of the county of Wayne, the record of such conveyance or deed, or a transcript thereof duly certified by the register of deeds of said county, may be read as *prima facie* evidence in any court within this state, in case the original of such record, if produced in court could be read in evidence of the title of the land therein described, under said act of congress: *Provided*, That this act shall not be construed so as to affect any proceeding now pending in any court of law or equity in this state: *And provided further*, That it shall not be so construed as to affect the rights now vested in any person or persons.

*Certificate considered evidence.*

Sec. 3. This act shall be in force from and after its passage.

Approved March 9, 1844.

## No. 48.

**AN ACT** to provide for laying out and establishing a state road from the township of Lexington to Point au-Barque.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners of highways for the township of Lexington, in the county of St. Clair, and their successors in office be and they are hereby appointed commissioners to lay out and establish a state road, commencing at some point in the south line of township ten, (10) north of range sixteen east, in said county, thence north on the most eligible route to Point-au-Barque.

*Commissioners appointed.*

Sec. 2. For the purpose of laying out, establishing and constructing said road, there shall be appropriated, to be expended as hereinafter directed, the highway tax which may be hereafter assessed upon the lands owned by non-residents, lying north of the south line of said

*Appropriation.*

township ten, (10) north, in ranges fifteen and sixteen east, in the counties of St. Clair, Sanilac and Huron.

Duty of treasurer.

Sec. 3. It shall be the duty of the treasurer of the county of St. Clair to keep an account of all monies received or paid out by him pursuant to the provisions of this act, in a book to be provided and kept for that purpose.

Duty of supervisors.

Sec. 4. It shall be the duty of the supervisors of the county of St. Clair, at their annual meeting in September, in each year, or before delivering the tax roll to the several township treasurers, to make out a statement of the descriptions of lands together with the amount of highway tax assessed and returned on each lot or description of land within the limits of the ranges designated in section two of this act, lying north of the south line of township ten, (10) north, and delivering the same to the county treasurer of said county of St. Clair, who shall file the same in his office, and pass the amount of said highway tax to the credit of the Lexington state road fund.

Duty of co. treasurer.

Sec. 5. The said county treasurer shall in his settlement with the officer making return of the unpaid taxes for the township of Lexington, charge such officer or collector with the amount of non-resident highway taxes which may have been paid to such officer, on land embraced within the provisions of this act, who shall pay over to the county treasurer the amount of such tax so collected by him.

Duty of com'r.

Sec. 6. It shall be the duty of the commissioners of highways for said township of Lexington, in their warrants to overseers of highways, to direct them respectively, to cause all labor assessed within their respective districts, upon the lands of non-residents coming within the provisions of this act, to be worked upon the line of said road.

Co. treasurer.

Sec. 7. Whenever any person shall commute the highway tax assessed upon non-resident lands embraced within the provisions of this act, and the same shall be paid to the overseer of highways, he shall pay over the same within thirty days after the receipt thereof, to said county treasurer, who shall give a receipt therefor, and the township treasurer of said township of Lexington shall pay to the county treasurer of the county of St. Clair, on or before the first day of November in each year, all monies that may come into his hands on account of such highway taxes.

Sec. 8. Said commissioners, or a majority of them shall have au-<sup>Power of</sup>thority to let to contract any job, or work upon said road; which con-<sup>com'r.</sup>tract shall be in writing and signed by the parties thereto; the persons taking such contract to give to such commissioners good and sufficient sureties for the faithful performance of the same.

Sec. 9. Whenever any such contract shall be completed, said com-<sup>Duty of</sup>missioners or a majority of them shall issue their certificate of the<sup>com'r.</sup> fact, and of the amount due on such contract, which shall be attached to such contract, and presented to said supervisors, who shall thereupon issue their warrant to said county treasurer for the payment of the same out of such special fund.

Sec. 10. In case any lands coming within the provision of this act, shall from any cause enure to this state, the county treasurer of the<sup>Co. treasurer</sup> county of St. Clair, shall furnish the Auditor General with a state-<sup>St. Clair</sup>ment thereof, with the amount of highway tax and interest due there-<sup>co.</sup>on attached, and the Auditor General shall draw his warrant on the State Treasurer for the amount of such tax and interest, and the State Treasurer shall pay the same to said county treasurer to the credit of said road fund out of the general fund.

Sec. 11. This act shall take effect and be in force from after its passage, and remain in force five years and no longer.

Approved March 9, 1844.

## No. 49.

### AN ACT to provide for the laying out of a certain state road, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Hiram Lewis, Isaac Otis and George Thomas, be, and they are hereby authorized to lay out and<sup>Commis-</sup> establish a state road, commencing on the road leading from Battle<sup>sioners ap-</sup>Creek to Gull Prairie, at Van Vleck's tavern, near Four Mile Creek, so called, thence by the most direct and feasible route to intersect the Grand River road at or near Boun's tavern in the town of Prairieville, and file the survey of so much of said road in the office of the township clerk of each township through which said road shall pass, as shall be laid out in said towship.

Highway  
money and  
labor appro-  
priated.

Sec. 2. That the highway commissioners of the towns through which said road shall pass, be, and they are hereby required to lay out and expend in work upon said road, all the delinquent highway taxes due, and to become due, for the term of four years hereafter, upon all lands situated upon said road, to the distance of one mile on each side thereof, and that the highway commissioners of the several towns through which the stage road from Battle Creek to Grand Rapids, via. Yankee Springs, passes, be, and are hereby required to expend and lay out, faithfully, upon said stage road, all sums of delinquent highway money now due, and to become due, for the term of four years hereafter, on the land situated on the line of said road to the distance of one mile each way.

Comr's.

Sec. 3. Ralph Bailey, James Holcomb and Isaac N. Miner, be, and they are hereby appointed commissioners to lay out and establish a state road commencing at the north-east corner of John Depp's land, in the township of Redding, county of Hillsdale, thence from the corner of said Depp's land, touching near the north end of Berry's Lake, thence southwardly on the most eligible route, to the Indiana state line, taking the direction to Willow Prairie.

Comr's.

Sec. 4. That there shall be laid out a state road, beginning at the village of Lakeville, in Oakland county, thence to the Northern railroad, located via. E. M. Phelps, and Eri Potter's mills, and that E. B. Case, John W. Day, and Israel Elwood, be, and they are hereby appointed commissioners to lay out and establish said road.

Comr's.

Sec. 5. There shall be laid out a state road, from Ann Arbor, in the county of Washtenaw, by the way of the village of Brighton, in the county of Livingston, Muray's mills, and the village of Flushing, in the county of Genesee, to the Saginaw turnpike, at a point about fourteen miles north of the village of Flint, and that Albert Stevens, John Keinyan, Isaac Penoyer and James H. Murray, be, and they are hereby appointed commissioners to lay out and establish said road.

Comr's.

Sec. 6. That Gabriel R. Tridley, Cyrus Robertson and David Johnson, are hereby appointed commissioners with full authority to straighten and establish the state road leading from the village of Jackson, in the county of Jackson, to White Pigeon, in the county of St. Joseph, across section thirty-four in the township of Albion, in the county of Calhoun.

Sec. 7. That Solomon Sutherland, Justus J. Bennett and Jasper H. Buck, be, and they are hereby appointed commissioners to lay out and establish a state road, commencing at or near the point where the road leading from the village of Dexter, in the county of Washtenaw, to Mason in Ingham county, crosses the west line of Livingston county, running thence, by the most feasible route, through the township of Hamburg, to the village of Brighton, in said county of Livingston.

Commissioners.

Sec. 8. That Hiram Moore, Anson Mapes and Larkin Brown, be, and they are hereby authorized and empowered to lay out and establish a state road from the village of Battle Creek, in the county of Calhoun, to the village of Schoolcraft, in the county of Kalamazoo, on the most feasible and eligible route.

Comrs.

Sec. 9. The above named commissioners shall file the surveys of the above mentioned roads in the office of the township clerk of each township through which each of the above mentioned roads shall pass, as shall be laid out in such township.

File surveys.

Sec. 10. The State shall not be liable for any expenses incurred, or damages sustained, by reason of this act, and in case of the roads mentioned in the preceding sections of this act, shall not be surveyed and laid out in two years from the passage of this act, the provisions contained therein shall be void.

State not liable for expenses.

Approved March 9, 1844.

## No. 50.

### An Act making appropriations on the Central Railroad.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan.* That for the purpose of finishing the Central railroad from the village of Marshall to the village of Kalamazoo, there be, and the same is hereby appropriated out of the land granted to this State by the general government for purposes of internal improvement, sixty-four thousand acres of land.

64,000 acres of land appropriated C. & R.

Sec. 2. In payment of all estimates upon contracts made under this act, the Auditor General shall draw a scrip, not bearing interest, and payable only in lands, at the state land office for internal im-

Auditor Gen'l. draw certain scrip

provement lands, whenever a sufficient amount of said scrip, or other funds by law receivable for said lands, shall be presented to pay for any such legal subdivision or other fraction as shall there be subject to sale or entry.

\$75,000 ap-  
propriated  
pay for iron  
and spike,  
&c.

Sec. 3. That for the purpose of purchasing iron and spike and for payment of the transportation of the same, to iron the Central railroad from the village of Marshall to the village of Kalamazoo, the sum of seventy-five thousand dollars of the net proceeds of said Central railroad, after first paying for the iron and spike already contracted for to iron the Southern and Central railroads to the villages of Hillsdale and Marshall, and reserving a sum sufficient to pay the interest that will be due on the first day of January, A. D. 1846, on the bonds of this State now issued, and bonds acknowledged under the act entitled "an act to liquidate the public debt and to provide for the payment of the interest thereon, and for other purposes," approved March 8, 1843, be and the same is hereby appropriated; and the board of internal improvement are hereby authorized to contract for such iron and spike, and for the transportation of the same, and to pledge the net proceeds, aforesaid for the payment thereof.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 9, 1844.

## No. 51.

### AN ACT supplementary to an act entitled "an act making appropriations on the Central Railroad."

Former act  
not to be  
construed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the act entitled "an act making appropriations on the Central railroad" shall not be so construed as to alter, amend, modify, repeal, or in any way affect an act entitled "an act making appropriations on the Central and Southern railroads for the year of our Lord one thousand eight hundred and forty-three, and for other purposes," approved February 21, 1843; or an act entitled "an act to liquidate the public debt and to provide for the payment of the interest thereon, and for other purposes," approved March 16th, 1843.



## LAWS OF MICHIGAN.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1844.

### No. 52.

#### AN ACT to incorporate the Utica Female Seminary.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Ephraim Calkin, Samuel Axford, William A. Burt, John Stockton, Jeremiah Curtis, Jacob Summers, Oliver Adams, Charles W. Chapel, David M. Price, Pliny Powers, George Gordon, Gurdon G. Deshon, together with such other persons as may become members of the incorporation, hereby created, shall be and they are hereby constituted and declared to be a body corporate and politic, by the name of the Utica Female Seminary, and in their corporate name may sue and be sued, may have a common seal which they may renew at pleasure, and shall have, enjoy, and may exercise, all the powers, rights and privileges, which appertain to corporate bodies for the purposes mentioned in this act. <sup>Incorporated.</sup>

Sec. 2. The capital stock of the said corporation, shall not exceed <sup>Cap. stock.</sup> the sum of five thousand dollars, and shall be divided into shares of ten dollars each.

Sec. 3. The corporation hereby created, shall be forever capable in law to purchase, take, receive, hold and enjoy, any estate, real and personal whatever, to an amount not exceeding five thousand dollars, and to lease, sell and convey, or otherwise dispose of the same.

Sec. 4. There shall be forever hereafter, twelve trustees of the said corporation, who shall be members thereof, and who shall manage all the affairs thereof; and the first trustees shall be Ephraim Calkin, Samuel Axford, William A. Burt, John Stockton, Jeremiah Curtis, Jacob Summers, Oliver Adams, Charles W. Chapel, David M. Price, Pliny Powers, George Gordon, and Gurdon G. Deshon, who shall hold their offices until the first day of January, 1845, and until others are elected in their place. <sup>Trustees.</sup>

Sec. 5. There shall be on the first Monday in January, 1845, and on the first Monday in January, in every succeeding year, a general

**Meeting of members.** meeting of the members of said corporation, at some convenient place in the village of Utica, to be designated by the by-laws of said corporation; and a majority of the members who shall meet in person or by proxy, shall elect by ballot, twelve of their members to be trustees of the said corporation for the year then next ensuing.

**Trustees, their powers and duties.** Sec. 6. The trustees of said corporation shall have power to choose from out of their number, a president, a treasurer, and a secretary, who shall immediately enter upon the duties of their offices, and hold the same from the time of their election, until the first Monday of January, of the ensuing year, and until others are chosen in their stead; and in case any of the trustees shall die, resign, refuse or neglect to act, then, and in every such case, the remaining trustees may within thirty days thereafter, elect by ballot other members of the said corporation in their stead, who shall hold their offices in the same manner as those first elected.

**Shares may be assigned &c.** Sec. 7. Each member to be entitled to one vote for each share of which he shall be the holder. And the said trustees shall receive subscriptions for shares in said corporation, until the capital stock may be subscribed; the said shares shall be assignable and transferable, according to such rules as the board of trustees shall from time to time make and establish, and shall be considered personal property.

**Election &c.** Sec. 8. In case it should at any time happen, that an election of the trustees should not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause, or any non-user be dissolved; but it shall and may be lawful, on any other day, to hold an election for trustees in such manner as shall be provided by the laws and ordinances of the said corporation.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved March 11, 1844.

No. 53.

AN ACT relative to the duties of Assessors and Highway Commissioners.

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the valuation of property for assessment purposes shall be taken in the several townships in this state by the officers elected for that purpose, between the second Monday in April and the first Monday in May in each year, and on the first Saturday preceding the second Monday in May in each year they shall meet at the office of the supervisor, in the several townships, for the purpose of reviewing and completing their assessment; and no notice of such meeting shall hereafter be necessary. To review assessment rolls,

**Sec. 2.** The commissioners of highways of the several townships in this state, shall meet at the office of the supervisor in their respective townships on the second Monday in May in each year, for the purpose of assessing a highway tax, and they shall have free access to the assessment roll until they shall have completed their assessment. Commrs. required to meet.

**Sec. 3.** That the 3d, 16th and 18th sections of chapter 3, title 6, part 1, of the revised statutes, be and the same are hereby repealed. Repealed.

**Sec. 4.** Every overseer of highways shall, on or before the first Monday of October in each year, make out and deliver to the supervisor of his township, a list of all the lands of non-residents, and of persons unknown, which are taxed on his list, on which the labor assessed has not been paid, and the amount of labor unpaid, and the said overseer shall previous to delivering such list, make and subscribe an affidavit thereon, before any person competent to administer oaths, or before the supervisor, that the labor which was assessed upon such land as has been returned, has not been performed, and remains unpaid. Certain duties

**Sec. 5.** It shall be the duty of the supervisor of each township to cause the amount of such arrearages of labor, estimating a day's work at seventy-five cents per day, to be levied on the lands so returned, and to be collected in the same manner that the contingent charges of the county are levied and collected. Duty of supervisors.

**Sec. 6.** All parts of acts contravening the provisions of this act

## LAWS OF MICHIGAN.

are hereby repealed, and this act shall take effect and be in force from and after the first day of January next.

Approved March 11, 1844.

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No. 54.

**AN ACT in relation to associations formed for banking purposes.**

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That in all case where an association was organized under the general banking laws of this state and securities were given for the payment of the liabilities of such associations, the Auditor General shall cancel and discharge such securities upon satisfactory evidence being furnished to the Auditor General of this state, that all the debts and liabilities of such association have been paid or discharged.

Auditor to  
discharge  
securities.

**Sec. 2.** This act shall take effect and be in force from and after its passage.

Approved March 9, 1844.

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No. 55.

**AN ACT to authorize John W. Fallas and Nathaniel Davenport, to build a dam across Flat River in the county of Kent.**

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That John W. Fallas and Nathaniel Davenport, their heirs and assigns, be and they are hereby authorized and empowered to build a dam across Flat River in the county of Kent, on fractional lot No. 1, of section twenty-three, and lot No. 1, of section twenty-four, in town number seven, north of range number nine, west: *Provided,* The title of said described land is at the time of erecting the said dam vested in said John W. Fallas and Nathaniel Davenport, or that they obtain permission of the owners thereof.

**Sec. 2.** Said dam shall not exceed three feet in height above low

water mark, and shall have a good and sufficient sluice or apron of convenient width and dimensions to admit the safe passage of rafts of every kind down that river, and such boats and canoes as may navigate the same, which said sluice or apron shall be kept in good repair and condition by the person or persons using said dam. Not to prevent navigation.

Sec. 3. Nothing in this act shall authorize the persons above named, their heirs or assigns, to enter upon or flow the lands of any other person or persons: *Provided*, That the occupant of said dam shall so construct, therein or thereat, a convenient lock for the safe passage of boats, canoes, rafts or other water craft, whenever the circuit court of said county shall order, upon good cause shown. Not to flow land.

Sec. 4. If at any time hereafter the waters should be required to be drawn from said river for the purpose of internal improvement or navigation, it shall not be lawful for the said John W. Fallas and Nathaniel Davenport or any other person or persons owning said dam to claim or recover any damages therefor. Water may be used.

Sec. 5. The legislature may at any time amend or repeal this act.

Approved March 9, 1844.

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### No. 56.

#### AN ACT for the relief of Lucy Stephens.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioner of the land office be, and he is hereby authorized and directed to endorse upon a certificate for certain school lands held by the said Lucy Stephens, the sum of fifty dollars in part payment for the principal due on the same, and enter the same to her credit on the books of his office. Com'r. authorized to endorse §50.

Approved March 9, 1844.

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### No. 57:

#### AN ACT making appropriation on the St. Joseph river.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there be, and hereby is appro-

township ten, (10) north, in ranges fifteen and sixteen east, in the counties of St. Clair, Sanilac and Huron.

Duty of treasurer.

Sec. 3. It shall be the duty of the treasurer of the county of St. Clair to keep an account of all monies received or paid out by him pursuant to the provisions of this act, in a book to be provided and kept for that purpose.

Duty of supervisors.

Sec. 4. It shall be the duty of the supervisors of the county of St. Clair, at their annual meeting in September, in each year, or before delivering the tax roll to the several township treasurers, to make out a statement of the descriptions of lands together with the amount of highway tax assessed and returned on each lot or description of land within the limits of the ranges designated in section two of this act, lying north of the south line of township ten, (10) north, and delivering the same to the county treasurer of said county of St. Clair, who shall file the same in his office, and pass the amount of said highway tax to the credit of the Lexington state road fund.

Duty of co. treasurer.

Sec. 5. The said county treasurer shall in his settlement with the officer making return of the unpaid taxes for the township of Lexington, charge such officer or collector with the amount of non-resident highway taxes which may have been paid to such officer, on land embraced within the provisions of this act, who shall pay over to the county treasurer the amount of such tax so collected by him.

Duty of comm'r.

Sec. 6. It shall be the duty of the commissioners of highways for said township of Lexington, in their warrants to overseers of highways, to direct them respectively, to cause all labor assessed within their respective districts, upon the lands of non-residents coming within the provisions of this act, to be worked upon the line of said road.

Co. treasurer.

Sec. 7. Whenever any person shall commute the highway tax assessed upon non-resident lands embraced within the provisions of this act, and the same shall be paid to the overseer of highways, he shall pay over the same within thirty days after the receipt thereof, to said county treasurer, who shall give a receipt therefor, and the township treasurer of said township of Lexington shall pay to the county treasurer of the county of St. Clair, on or before the first day of November in each year, all monies that may come into his hands on account of such highway taxes.

Sec. 8. Said commissioners, or a majority of them shall have au-  
thority to let to contract any job, or work upon said road; which con-  
tract shall be in writing and signed by the parties thereto; the per-  
sons taking such contract to give to such commissioners good and suf-  
ficient sureties for the faithful performance of the same. Power of  
com'r.

Sec. 9. Whenever any such contract shall be completed, said com-  
missioners or a majority of them shall issue their certificate of the  
fact, and of the amount due on such contract, which shall be attach-  
ed to such contract, and presented to said supervisors, who shall there-  
upon issue their warrant to said county treasurer for the payment of  
the same out of such special fund. Duty of  
com'r.

Sec. 10. In case any lands coming within the provision of this act,  
shall from any cause enure to this state, the county treasurer of the  
county of St. Clair, shall furnish the Auditor General with a state-  
ment thereof, with the amount of highway tax and interest due there-  
on attached, and the Auditor General shall draw his warrant on the  
State Treasurer for the amount of such tax and interest, and the State  
Treasurer shall pay the same to said county treasurer to the credit of  
said road fund out of the general fund. Co. treasur-  
er St. Clair  
co.

Sec. 11. This act shall take effect and be in force from after its  
passage, and remain in force five years and no longer.

Approved March 9, 1844.

## No. 49.

### AN ACT to provide for the laying out of a certain state road, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representa-  
tives of the State of Michigan,* That Hiram Lewis, Isaac Otis and  
George Thomas, be, and they are hereby authorized to lay out and  
establish a state road, commencing on the road leading from Battle  
Creek to Gull Prairie, at Van Vleck's tavern, near Four Mile Creek,  
so called, thence by the most direct and feasible route to intersect the  
Grand River road at or near Boun's tavern in the town of Prairie-  
ville, and file the survey of so much of said road in the office of the  
township clerk of each township through which said road shall pass,  
as shall be laid out in said towhship. Commis-  
sioners ap-  
pointed.

## No. 60.

**AN ACT to amend section six, chapter two, title seven, part second of the Revised Statutes.**

Act amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section six, chapter two, title seven, part second of the revised statutes, be amended by striking out the words "two years," in the second line thereof, and inserting in their stead the words "one year," so that said section, as amended, will read as follows, to wit: "No divorce shall be granted, unless the petitioner therefor shall prove his or her residence in this state for one year next preceding his or her application.

Petitioner reside in state one year.

Sec 4 amended.

Sec. 2. Section four of said chapter shall be, and is hereby amended, by adding after the word "cruelty" in the second line thereof, the words, "whether such cruelty shall be practised by using violence, or by any other means," so that said section four as amended shall read as follows, to wit: "Sec. 4. A divorce from bed and board may be decreed for the cause of extreme cruelty, whether such cruelty shall be practiced by using violence, or by any other means; or utter desertion in either of the parties for the term of three years and a like divorce may be decreed on the application of the wife when the husband, being of sufficient ability to provide a suitable maintenance for her, shall grossly or wantonly and cruelly refuse or neglect so to do.

Sec 3. This act shall be in force from and after its passage.

Approved March 9, 1844.

## No. 61.

**AN ACT to amend an act entitled "an act to abolish the office of County Commissioner and for other purposes," approved February 10, 1842.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section three (3) of an act entitled an act to abolish the office of county commissioner and for other purposes, approved February 10, 1842, be and the same is here-



by amended by striking out in said section the words following, to <sup>Act amended.</sup>  
wit: "And in the county of Michilimackinac, by the supervisor of the township of Helmes, and two of the justices of the peace, oldest in office in said county."

Approved March 9, 1844.

No. 62.

**AN ACT** to amend section six of "an act to divide the several counties in this Territory into townships, and for other purposes," approved April 12th 1827.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the words "River Detroit," <sup>Act amended.</sup> in lines thirty and thirty-one of section six, of an act entitled "an act to divide the several counties in this territory into townships, and for other purposes," approved April 12th 1827, (page 336, laws of 1827,) be stricken out, and the words "boundary line between the United States and Upper Canada," be inserted.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1844.

No. 63.

**AN ACT** to authorize James Miller to build a dam across the Clinton river, in the county of Macomb.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That James Miller, his heirs and assigns, be, and they are hereby authorized and empowered to build <sup>Authority given to build dam.</sup> a dam across the Clinton river, in the county of Macomb, on section twenty-four, in township two north, of range twelve east.

Sec. 2. Said dam shall not exceed seven feet in height above low <sup>Height, &c.</sup> water mark, and shall have a convenient sluice or apron of sufficient width and dimensions to admit the safe passage of rafts down said river, which said sluice or apron shall be kept in good repair by the persons or individuals using said dam.

Sec. 3. Nothing in this act shall authorize the person above named, or his heirs or assigns, to enter upon or flow the lands of any other person or persons: *Provided, further,* That the occupant of said dam shall so construct therein or thereat, a convenient lock for the safe passage of boats, rafts, canoes or other water craft, whenever the circuit court of said county shall order upon good cause shown.

Water may  
be taken for  
int. imp.  
purposes.

Sec. 4. If, at any time hereafter, the water should be required to be drawn from said river, for the purpose of internal improvement or navigation, it shall not be lawful for the said James Miller, or any person or persons owning said dam to claim or recover damages therefor.

Approved March 9, 1844.

### No. 64.

**AN ACT to amend an "act in relation to the Fire Departments and Firemen of the incorporated cities and villages of this State."**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section eight of the act entitled "an act in relation to the fire departments and firemen of the incorporated cities or villages of this state," approved February 6th, 1843, be, and the same is hereby so amended as to read: "All fire engines

Fire engine's  
apparatus,  
etc., to be  
exempt from  
taxation.

and apparatus requisite for, and ordinarily used by fire companies in the extinguishment of fires, now owned, or that may hereafter be purchased and owned, by any incorporated city or village, and kept for the use of any fire company therein, and the ground, buildings, machinery and fixtures of all water works now owned, or that may hereafter be purchased and owned, by any incorporated city or village, and used for the purpose of supplying the inhabitants thereof with water, shall be, and the same is hereby exempted from levy or sale for any debt, damages, fine, or amercement whatever: *Provided,* That this section shall not be construed to affect in any wise, any levy made prior to the passage of the act to which this an amendment."

Sec. 2. This act shall take effect from and after its passage.

Approved March 9, 1844.

No. 65.

**AN ACT** to amend an act entitled "an act relative to the Auditor General and State Treasurer, and the offices of both," approved April 1st, 1840.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Auditor General be, and he is hereby authorized to employ one chief clerk and two assistant clerks <sup>And. Gen'l. authorized to employ clerks.</sup> at an annual salary of not exceeding seven hundred dollars for said chief clerk, and not exceeding six hundred dollars each for said assistant clerks, <sup>Salary, &c.</sup> payable quarterly. And the State Treasurer is hereby authorized to employ one clerk at an annual salary of not exceeding seven hundred dollars, payable quarterly.

Sec. 2. Section twenty-four of chapter one, title three, part 1st of the revised statutes is hereby so amended as to read as follows, to wit: The Attorney General shall receive an annual salary of eight hundred <sup>Salary of att'y gen'l.</sup> dollars, and such taxable costs as shall be allowed by law, which shall be in full satisfaction for all services rendered by said Attorney General to or for the state: *Provided, however*, That the state shall not in no way be liable to said Attorney General for such taxable costs.

Sec. 3. Section second of an act entitled "an act relative to the Auditor General and State Treasurer," approved April 1st, 1840, is hereby repealed.

Sec. 4. Section four of an act entitled "an act for the regulation of internal improvement," approved March 25, 1840, is hereby amended by striking out the word "six," in line four, and inserting the word "seven."

Approved March 11, 1844.

No. 66.

**AN ACT** to define and protect the rights of married women.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That any estate, real or personal, <sup>Property acquired by female before marriage, &c.</sup> which may have been acquired by any female before her marriage, either by her own personal industry or by inheritance, gift, grant or

devise, or to which she may at any time hereafter be entitled by inheritance, gift, grant or devise, and the rents, issues, profits and income thereof, shall be and continue the real and personal estate of such female after marriage to the same extent as before marriage, and none of said property shall be liable for her husband's debts or engagements, but such property shall be liable for all the debts of the wife contracted prior to the marriage.

Sec. 2. All laws or parts of laws contravening the provisions of this statute are hereby repealed.

Approved March 11, 1844.

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### No 67.

## AN ACT to provide for the laying out and establishing certain State Roads.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Hiram Moore, Anson Mapes, and E. Lakin Brown, be and they are hereby authorized and empowered to lay out and establish a state road from the village of Battle Creek, in the county of Calhoun, to the village of Schoolcraft, in the county of Kalamazoo, on the most feasible and eligible route, and file the survey of so much of said road in the office of the township clerk of each township through which said road shall pass, as shall be laid out in such township.

Comr's appointed.

Sec. 2. That Aaron L. Ellis, Isaac Barnes, and James Pelton, be and they are hereby appointed commissioners to lay out and establish a state road commencing at the point where the present road running from Gull Prairie, in the county of Kalamazoo, via Yankee Springs to Grand Rapids, crosses the base line, and running thence by the most eligible route to Grand River near the foot of Gun Lake, thence on the most direct practicable route by Barnes' mill and Lake Alone, to the line of Kent county, or to such a point near said line as the commissioners shall consider most proper to intersect the road now running to Grand Rapids.

Comr's appointed.

Sec. 3. That William B. Thorn and Calvin Hill of Barry county, and Silas F. Littlejohn of Allegan county, be, and they are hereby authorized to lay out and establish a state road from, and commencing

Comr's appointed.

at the south west corner of section ten, in town three, north of range ten west, and running thence westerly across the outlet of Long Lake, near said lake on section eight, of town and range aforesaid, and from thence on the most direct practicable route to the village of Allegan, and file the survey of so much of said road in the office of each township clerk (of any township) through which said road shall pass, as shall be laid out in each township.

Sec. 4. That William White, Ransom E. Whiting and Orange Risdon, be and they are hereby authorized to lay out and establish a state road from the village of Newport in the county of Monroe, to intersect the Chicago road at or near the village of Saline in the county of Washtenaw, on the most eligible route, and file the survey of so much of said road in the office of the township clerk of each township through which said road shall pass, as shall be laid out in such township. Comrs appointed.

Sec. 5. That Benjamin Swedny, William Burke and Calvin Britain be and they are hereby authorized to lay out and establish a road from the village of St. Joseph, in Berrien county, on the most eligible route to the village of Edwardsburg, in the county of Cass, and to cause so much of the survey of said road to be filed in the different township clerk's offices through which it runs. Comrs appointed.

Sec. 6. That Calvin Britain, George Brong, and Joseph G. Ames, be, and they are hereby authorized to lay out and establish a state road from the village of St. Joseph, in the county of Berrien, on the most direct and eligible route to Terre Coupe, in the south part of said county, and file the surveys with the several township clerks through which it passes: *Provided*, That no expense shall accrue, to the state in consequence of laying out either of the above roads. Comrs appointed.

Sec. 7. That there shall be laid out and established a state road, commencing at the quarter post on the east side of section thirteen, in the township of Florida, and county of Hillsdale, northerly, on as direct a route as may be to the Chicago road in said county, and that John Manross, Edward L. Way and James H. Thorn, of said county of Hillsdale, be and they are hereby appointed commissioners to lay out and establish said road. Comrs appointed.

Sec. 8. It shall be the duty of the aforesaid commissioners to file the survey of so much of said road as shall be laid out in each town- Survey to be filed.

ship, in the office of each township clerk, whose duty it shall be to record the same in the road book of the township.

Sec. 9. That in laying out and working said road, the state shall not be liable for any damages; and the commissioners of highways in each township through which the same passes, shall district the same and cause it to be worked as other highways in such township.

State not liable. Sec. 10. The state shall not be liable for any expense incurred, or damages sustained, by reason of this act; and in case the roads mentioned in the preceding sections of this act, shall not be surveyed and laid out in two years from the passage of this act, the provisions herein contained shall be void.

Sec. 11. This act shall take effect from and after its passage.

Approved March 9, 1844.

### No. 68.

AN ACT to establish a land office, to prescribe and regulate the disposition of the public lands, and for other purposes.

Commissioner appointed. Term of office. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the land office organized by and under the "act to organize a land office and to regulate the sale of the public lands," approved March 6, 1843, be and the same is hereby established and continued in the village of Marshall, in the county of Calhoun, under the denomination of the state land office, the chief officer of which shall be called the commissioner of the land office, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold his office for and during the term of two years, and until his successor be appointed and qualified, and he shall receive an annual salary of one thousand dollars.

To take oath and file bond. Sec. 2. The said commissioner shall, before entering upon the duties of his office, take the constitutional oath of office, which shall be in writing and be filed in the office of the Secretary of State, and he shall also execute a bond to the people of this state in the sum of fifty thousand dollars, with at least two sufficient sureties, conditioned that he will faithfully discharge the trust committed to him, and that

he will honestly account for and pay over all moneys and evidences of debt that may come into his possession, whenever required so to do by law, which bond shall be approved by the Auditor General, and deposited in the office of the Secretary of State.

Sec. 3. The said commissioner shall appoint a deputy, and may also appoint one clerk, if the business of his office should require it, who shall each receive an annual salary not exceeding five hundred dollars, each of whom shall also take and subscribe the constitutional oath of office aforesaid, and cause the same to be filed in the office of the Secretary of State. The commissioner shall have the power to remove either of them at his pleasure and shall be responsible for their official acts.

Sec. 4. The commissioner shall keep a record of the sales of lands, and of the moneys by him received on account of either principal or interest, the date of such sale or payment, the description of the lands sold and the number of acres thereof and the name of the purchaser, or person paying such moneys, to whom he shall give his receipt for the same and credit the appropriate fund therewith. He shall also, on the 1st day of every month, cause to be made out and transmitted to the State Treasurer, a statement showing the amount of moneys or evidences of debt received by him, the names of the persons paying the same, the time of payment, the number of the certificate upon which such moneys were paid, the kind of funds received, and the appropriate fund to be credited therewith. He shall also, on the first day of March, June, September and December, and whenever at other times required by the State Treasurer, deliver and pay over to the said State Treasurer, all moneys or evidences of debt received by him as aforesaid.

Sec. 5. The said commissioner shall have the general charge and supervision of all lands belonging to the state, or which may hereafter become its property; and also of all lands in which the state has any interest, or which may be held in trust by it for any purpose, and he may lease, sell, superintend; and dispose of the same in such manner as shall be directed by law. He shall annually make a report to the legislature of his official proceedings, showing the quantity of lands sold or leased, and the amount received therefor; the amount of interest moneys received to the credit of the several funds,

and all such other matters relating to his office as he may deem proper to communicate ; and shall cause the same to be published agreeably to the provision of the first section of the " act relative to certain state annual reports," approved April 16, 1839.

Recorder to  
be appoint'd

Sec. 6. There shall also be appointed by the Governor, an officer who shall be called the recorder of the land office, who shall hold his office in the village of Marshall aforesaid, for and during the term of two years, and until his successor be appointed and qualified, and he shall receive an annual salary of four hundred dollars.

Recorder  
may appoint  
a deputy.

Sec. 7. The said recorder shall be privileged to appoint a deputy, but without additional expense to the state, for whose official acts as such, he shall be responsible ; both of whom shall, before entering upon the duties of their office, respectively take and subscribe the constitutional oath of office aforesaid, and cause the same to be filed in the office of the Secretary of State.

Duties of re-  
corder.

Sec. 8. It shall be the duty of the said recorder to countersign every certificate of purchase, receipt or other official instrument in writing, which may be issued or given by the said commissioner, and which purports to be evidence of moneys received by him, and unless such certificate, receipt, or official instrument be so countersigned, it shall not be evidence of payment, nor be valid in law.

Recorder to  
charge  
com'r. &c.

Sec. 9. The said recorder shall, upon his countersigning any certificate, receipt or any other official instrument as aforesaid, charge the commissioner, with the amount received by him as therein mentioned, and credit the appropriate fund therewith. He shall also

Shall keep a  
record &c.

keep a record of the names of the persons paying the same, the number of the certificate upon which the amount is paid, and the time of the payment. He shall also, after the comparison of accounts with the commissioner, on the first day of each and every month, transmit to the State Treasurer a statement of all the several certificates, receipts and other official instruments which have been issued by the commissioner and countersigned as aforesaid, together with the dates, numbers and amounts thereof, the names of the persons paying the same, and the respective fund to which they belong.

#### *Concerning University and School Lands.*

University  
and school  
lands.

Sec. 10. The minimum price of the unsold unimproved university lands shall be twelve dollars per acre, and the minimum price of the



unsold unimproved school lands shall be five dollars per acre ; and the commissioner may sell and dispose of such lands at the said prices respectively : *Provided*, That the same have been once first offered at public auction at the aforesaid respective minimum prices ; and no such lands shall be sold for less than the aforesaid prices respectively : *Provided, also*, That no treasury notes or warrants shall be recieved for university lands hereafter forfeited to the state.

Sec. 11. The terms of payment on the sale of any of the university and school lands subsequent to the passage of this act, shall be twenty-five per centum of the purchase money to be paid at the time of the purchase, the balance of the principal to be payable at any time thereafter, at the option of the purchaser, with interest at the rate of seven per cent per annum on the unpaid balance, payable on the first day of March or within sixty days thereafter, in each and every year, at such place or places as shall be specified in the certificate of purchase, which the commissioner shall, at the time of such sale, make out and deliver to the purchaser or purchasers of said lands, and in which certificate the said commissioner in his official capacity shall certify in the name of the people of this state, the description of the land sold, the quantity thereof and the price per acre, the consideration paid and to be paid therefor, the time and terms of payment. And the said certificate shall further provide that if, in case of the non-payment of the interest due by the first day of March or within sixty days thereafter, in each and every year, by the purchaser or purchasers, or by any person claiming under him or them, then the said certificate shall be utterly void and of no effect ; and all the right, title and interest of the said purchaser, or any person claiming under him, of and to the land described in such certificate, shall be absolutely void, and the full title of said land and the right to the possession thereof, shall revert in the state ; and the said commissioner may take possession thereof and re-sell the same as is hereinafter provided.

Terms of payment.

Balance to be paid.

Duties of com'r.

When title and interest of purchaser to be void.

Sec. 12. Any purchaser of university or school lands, his heirs or assigns, who shall have paid, on or before the first day of March, one thousand eight hundred and forty-two, a sum equal to twenty per cent of the purchase money on his certificate, together with the interest up to said day ; and any purchaser, his heirs or assigns, since

sors, to meet and equalize their assessments or apportioning the amount of state and county taxes to the several townships, and making out the tax lists, attaching their warrants to and delivering the same to the respective township treasurers.

State and  
county tax.

Sec. 6. The board of county auditors shall determine, and by their clerk report to the board of supervisors, on or before their meeting, to apportion the amount of state and county tax to be raised in each and every year upon the taxable property of said county.

Appeals.

Sec. 7. All appeals taken from the determination of commissioners of highways in the several townships of Wayne county, shall be made to and decided by the said board of county auditors.

May appeal  
to circuit  
court.

Sec. 8. Any person conceiving himself aggrieved by the determination of the board of auditors, upon any demand presented by him against the county of Wayne, may appeal to the circuit court of said county, by serving a notice of such appeal upon the chairman of the board of auditors, within ten days after the action to be appealed from, and filing a good and sufficient bond with one or more sureties, to the satisfaction of the clerk, in the office of said clerk, for the payment of all costs which may be incurred in the prosecution of his appeal to said court.

No fees.

Sec. 9. No fees shall be charged against the appellant on the decision of appeals taken from the action of said county auditors for retainer or judgment: And in no case of appeal taken from the determination of the board of county auditors of Wayne county, or of the board of supervisors of any county of this state, shall any costs be taxable against the county.

Compensation.

Sec. 10. The county auditors shall be entitled to receive one dollar and fifty cents per day for their services as a board of auditors, and six cents for every mile travelled from their respective place of residence, to the place of meeting, which shall be audited by the associate judge of the circuit court of Wayne county.

Duties.

Sec. 11. The said board of county auditors shall audit, and by their clerk give certificates of the amounts due to the several supervisors of Wayne county, for their services as a board of supervisors, in equalizing their assessments, making out tax rolls and extending the taxes, annexing their warrants, &c., at the same rates as were provided by law for compensation of supervisors.

Sec. 12. All parts of acts contravening the provisions of this act, be, and the same are hereby repealed.

Approved March 11, 1844.

No. 86.

AN ACT to incorporate the Troy and Rochester Railroad Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan.* That Almon Mack, Seneca Newberry, Samuel Axford, John F. Hamlin, Hiram Smith, Edward W. Peck and Orange J. Niles be and they are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Troy and Rochester railroad company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the times and places of taking such subscriptions.

Sec. 2. The capital stock of said company shall be one hundred thousand dollars in shares of fifty dollars each; and as soon as three hundred shares of said stock shall be subscribed, the subscribers thereto with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Troy and Rochester railroad company with perpetual succession; and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real or personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned and no further, and in their corporate name may sue and be sued, may have a common seal which they may alter and renew at pleasure, and shall have, enjoy, and may exercise all the powers, rights, and privileges which appertain to corporate bodies, for the purposes mentioned in this act.

Sec. 3. Said company hereby created shall have power to construct a railroad with a double or single track from Rochester, in the county of Oakland, running southerly until it shall intersect the Detroit

Published.

The sale thereof shall be held at such times, and at such place or places as shall be designated in a notice containing a description of the lands so forfeited, and which notice shall be published in a newspaper printed in the county in which such lands are situated, and if there be no newspaper published in said county, then in a newspaper published in an adjoining county, if there be one, if not, then in such newspaper as the commissioner shall designate, at least four weeks before the time of sale.

Lands under certificates to be taxed.

Sec. 19. All persons holding lands by virtue of the certificate of purchase as aforesaid, shall be liable to be taxed for the value of said lands: *Provided*, The same shall be valued and taxed as personal property, and not as real estate, and be collected in the manner provided by law for the assessment and collection of taxes on

Lands taxed as personal property.

personal property; and such certificate shall be sufficient evidence of title in the purchaser or his heirs or assigns, to enable him or them to support an action of trespass on the lands held by virtue thereof; and such certificate shall entitle the purchaser to the immediate possession of such land, and shall be subject to record in the same manner that deeds of conveyance now are.

Pay to state treasurer.

Sec. 20. Any purchaser of university and school lands may pay to the State Treasurer either principal or interest which may be due from him on his certificate of purchase, for which amount so paid, the said Treasurer shall give his receipt which shall be countersigned by the Auditor General, and a statement of which payments shall be transmitted by the treasurer to the commissioner, on or before the 1st day of each and every month of the year.

Appraisal.

Sec. 21. For the purposes of appraisal of improvements on the improved portions of the university, school, and state building lands, as is hereinafter mentioned, the commissioner shall cause to be prepared, on or before the first day of June in each year, lists of all the forfeited lands in the several townships in which they are situated, and also lists of the unsold lands which he may have cause to believe are improved, and transmit the same to the appropriate clerks of the re-

Duty of co. clerk.

spective counties, together with such forms of returns and certificates of appraisements as he shall direct, to be distributed forthwith, by the said clerks respectively, to the several supervisors of the townships to whom the same may be directed; and upon return of such appraise-

ment, as is hereinafter mentioned, the amount of value of the improvements on each tract or parcel, shall be divided by the number of acres thereof, and that amount, together with the minimum price per acre, as hereinafter established for the unimproved lands, shall be the specific minimum price per acre of said tract or parcel so appraised, until altered by subsequent appraisement; but the unimproved forfeited lands shall remain at the minimum price per acre, as established for the unsold and unimproved lands as aforesaid.

Sec. 22. Every supervisor of a township, upon receiving the lists and forms as aforesaid, shall, as an agent under this act, take and subscribe the constitutional oath of office, before any officer authorized by law to administer oaths, and who shall administer the same free of charge; and the said supervisor shall thereafter proceed to estimate and appraise the value of the improvements on the lands mentioned in said lists, and, after making such appraisement according to the form directed by the commissioner as aforesaid, he shall make returns thereof duly certified, together with his oath, taken and subscribed as aforesaid, to the commissioner, on or before the first day of August in each and every year.

Duty of supervisor.

Sec. 23. The said supervisor, after having made such appraisement shall, also, on the second Monday in July in each year, let and lease at public auction to the highest bidder, the improved parcels or tracts, and also the meadows of said lands in such convenient quantity according to the legal subdivision thereof, as in his opinion may be most productive of benefit to the respective funds, and shall execute to the lessee a lease for the lands so bid off, and rented, the term of which lease shall be one year, to commence on the 1st day of September next, and to terminate on the thirty-first day of August, in the year following; and he shall annually lease thereafter, in like manner, for the term of one year, to commence and terminate on the thirty-first day of August, as aforesaid. Said lease shall enable the lessee to maintain an action of trespass on the lands therein mentioned, but shall not be construed as authorizing the lessee to cut, injure, carry away, or otherwise destroy any of the timber or fences, buildings or other property found or situated on said lands. The terms of payment, unless the rent be paid at the time of leasing, in money, shall be, one half the amount of rent on the first day of March succeeding the date

Supervisor may lease lands.

Power of lessee.

## LAWS OF MICHIGAN.

the lease, the balance at the expiration of the lease as aforesaid, except for meadow lands, the whole amount of rent for which shall be paid on the first day of March as aforesaid, to be secured by negotiable notes of hand, drawn jointly and severally, be made payable to the commissioner of the land office or bearer, and executed by the lessee and two other persons as sureties, to be approved by the supervisor; and in case of the non-payment of the rent, or any part thereof, whenever the same shall become due as aforesaid, the supervisor shall, in the name of the commissioner, sue for and collect the same according to law.

10 days no-  
tice of leasing  
to be given  
&c.

Sec. 24. At least ten days' notice of such leasing shall be given by the said supervisor, by posting up written notices in three of the most public places in the township; in which notice shall be set forth the description of the lands and meadows intended to be leased, and the time and place of leasing, which leasing shall be done at the most public and convenient place in the township. And the said supervisor, before he shall proceed to discharge the duties prescribed in the preceding section, shall execute to the commissioner of the land office a bond, in the penal sum of one thousand dollars, conditioned that he will honestly and faithfully discharge the duties under this act, and that he will pay over all moneys which he may receive, or which may come into his possession by virtue thereof, whenever required so to do by law; which bond shall also be signed by at least two sufficient sureties, to be approved by the county clerk, to be by him kept on file in his office.

Supervisor  
to make re-  
turn, &c.

Sec. 25. The supervisor aforesaid shall, on or before the first day of August, or at such other time as the commissioner may direct, make returns of his proceedings under the sections preceding, to the said commissioner, according to the forms hereinbefore mentioned, which returns shall also contain the names of the sureties of said supervisor and their places of residence; and he shall also, on or before the first day of January, April, July and October, pay over to, and cause to be deposited with the Commissioner or State Treasurer, all monies received by him under this act, and shall also, at the same time transmit a statement to the Commissioner, of the names of the persons from whom the same was received, and the class of lands to which it belongs. And the said supervisor shall be entitled to receive

and retain, out of any monies collected and paid over to him according to the provisions of this act, the sum of two dollars per day for each and every day actually employed in the discharge of the duties herein prescribed, and he shall, at the time of transmission of the statement above mentioned, also make and certify, under oath, an account of the number of days he was engaged in such services, and the amount retained by him in payment of the same.

*Compensation of supervisor.*

Sec. 26. The Commissioner shall direct the manner, terms, and conditions of leasing the said improved and meadow lands, until the first day of September next; and he may also, if in his opinion the said funds will be benefitted, or the public convenience be promoted, prescribe such additional regulations and impose such additional duties on said supervisors, as he may deem necessary to attain the objects aforesaid; and such regulations, directions and duties, so prescribed and imposed, shall be observed and performed by the said supervisors and be as equally binding upon them, as if they were specially mentioned in this act.

*Duties and powers of com'r.*

Sec. 27. If, on account of the sickness, death, resignation, or removal of any of the said supervisors, or for any other cause he shall be unable or disqualified to perform the duties imposed on him in this act, then the township clerk of the said township shall do and perform the same, under the obligations and requirements hereinbefore specified, and he shall receive the same compensation provided for the supervisor, and to be paid in the manner aforesaid. And if the supervisor or township clerk, as the case may be, shall refuse or neglect to do and perform any of the duties herein required of him, he shall be liable for the amount of damages incurred by reason of such neglect or refusal to perform said duties, and the commissioner may sue for and recover, in the name of the state, for such damages as may be shown to have been sustained by the respective and appropriate fund, and collect the same according to law.

*When clerk to do Duties of supervisor.*

Sec. 28. The State Geologist shall cause to be procured from the office of the surveyor general at Cincinnati, the field notes, and notes of meanderings of the lakes and streams across and upon such sections of said lands as are thereby made fractional, and, after obtaining the same, shall cause to be laid off and sub-divided the said sections into such lots and fractions, the contents of which shall be de-

*Duties of state geologist.*

signated, as may be suitable and convenient for sale, and as may enable the Commissioner to dispose of the same by the numbers or description thereof, and where the United States surveys may have neglected or omitted such meanderings, said geologist shall cause the same to be done by the county surveyors of the respective counties in which the lands are situated, when in the opinion of the commissioner it shall be necessary.

Relative to  
lands in  
Ohio.

Sec. 29. It shall be the duty of the commissioner to personally examine into the situation and condition of the university lands lying near Toledo, in the state of Ohio, and if, in his opinion, it would be proper or advantageous to the fund to sell the said lands, or to offer the same for sale, he is hereby authorized so to do, under the restrictions and according to the terms hereinbefore prescribed, and which shall be applicable to, and binding upon, all purchasers thereof.

#### *Concerning State Building Lands.*

State building  
lands.

Sec. 30. The minimum price of the unsold and unimproved state building lands shall be twelve dollars per acre, and the minimum price of the improved lands shall be such as may be fixed and determined by the commissioner, according to the provisions of the twenty-first section of this act; but none of said lands shall be sold for less than twelve dollars per acre, as aforesaid.

Terms of  
payment.

Sec. 31. The terms and conditions of payment, of both principal and interest, shall be the same in all respects as is prescribed in the eleventh section of this act, for the sale of university and school lands and all sales shall be made under similar restrictions and provisions as are applicable and prescribed for the sale of those classes of lands; and, upon the sale of any of said state building lands, the commissioner shall make out and issue a certificate of purchase for the same in like manner as is prescribed in the said eleventh section of this act, which certificate, and the holder thereof, shall be subject to all the penalties of forfeiture, and shall be governed by all the terms, conditions and provisions of law, herein enacted, concerning university and school lands.

Duties of  
com'r.

#### *Concerning Internal Improvement Lands.*

Sec. 32. The minimum price of the half million acres of land granted by act of Congress September 4, 1841, to this state for in-



ternal improvement purposes, shall be one dollar and twenty-five cents <sup>Int. Imp. lands.</sup> per acre, and no lands included within this class, shall be subject to private entry (except by pre-emption claimants, as is hereinafter provided,) until the same shall have been once first offered at public auction, nor shall they be sold for less than their respective minimum prices, and all lands not sold at such public auction, shall be subject to sale at any time at their minimum prices, respectively.

Sec. 33. All lands or other property belonging to the state or <sup>All other lands belonging to the state to be appraised.</sup> in which it may have any interest, that has been or may be derived from the assets of the Michigan State Bank, or which has been or may be derived from any other source in payment of debts to the state shall be appraised by the Commissioner, the Auditor General, Secretary of State, and State Treasurer, or any two of them, as soon as the title to the same or any part thereof may be perfected and vested in the state, which appraisal shall be in writing, and copies thereof filed in the offices of the Commissioner and Auditor General. And the said lands or property, after being once offered at public auction, at the appraised value, and not sold, shall remain in the said land office subject to sale at any time, at a minimum price not less than the aforesaid appraised value; or of any subsequent appraisal, which the appraisers aforesaid are hereby, in their discretion authorized to make.

Sec. 34. On the sale of any of the said lands, the Commissioner shall make out and deliver to the purchaser or purchasers thereof, a certificate of purchase, which shall contain a description of the lands purchased, the contents thereof, the amount paid therefor, the date of the sale and the name of the purchaser, and shall endorse on the <sup>Duty of com'r. on sale of lan's.</sup> same the kind of funds or evidences of debt received in payment, which certificate shall also provide that upon presentation of the same at the office of the Secretary of State, the purchaser shall be entitled to receive a patent for the lands therein described, from the Governor pursuant to law.

Sec. 35 Whenever it may be necessary to offer any of said lands at public sale, the Commissioner shall give notice thereof at least four <sup>Notice.</sup> weeks before the day of sale, by causing the said notice, in which shall be set forth the names or numbers of the townships and ranges in which lands intended to be offered are situated, and the time and place of the sale, to be published in a newspaper printed in each county, if

and all such other matters relating to his office as he may deem proper to communicate ; and shall cause the same to be published agreeably to the provision of the first section of the "act relative to certain state annual reports," approved April 16, 1839.

Recorder to  
be appoint'd

Sec. 6. There shall also be appointed by the Governor, an officer who shall be called the recorder of the land office, who shall hold his office in the village of Marshall aforesaid, for and during the term of two years, and until his successor be appointed and qualified, and he shall receive an annual salary of four hundred dollars.

Recorder  
may appoint  
a deputy.

Sec. 7. The said recorder shall be privileged to appoint a deputy, but without additional expense to the state, for whose official acts as such, he shall be responsible ; both of whom shall, before entering upon the duties of their office, respectively take and subscribe the constitutional oath of office aforesaid, and cause the same to be filed in the office of the Secretary of State.

Duties of re-  
corder.

Sec. 8. It shall be the duty of the said recorder to countersign every certificate of purchase, receipt or other official instrument in writing, which may be issued or given by the said commissioner, and which purports to be evidence of moneys received by him, and unless such certificate, receipt, or official instrument be so countersigned, it shall not be evidence of payment, nor be valid in law.

Recorder to  
charge  
com'r. &c.

Sec. 9. The said recorder shall, upon his countersigning any certificate, receipt or any other official instrument as aforesaid, charge the commissioner with the amount received by him as therein mentioned, and credit the appropriate fund therewith. He shall also

Shall keep a  
record &c.

keep a record of the names of the persons paying the same, the number of the certificate upon which the amount is paid, and the time of the payment. He shall also, after the comparison of accounts with the commissioner, on the first day of each and every month, transmit to the State Treasurer a statement of all the several certificates, receipts and other official instruments which have been issued by the commissioner and countersigned as aforesaid, together with the dates, numbers and amounts thereof, the names of the persons paying the same, and the respective fund to which they belong.

#### *Concerning University and School Lands.*

University  
and school  
lands.

Sec. 10. The minimum price of the unsold unimproved university lands shall be twelve dollars per acre, and the minimum price of the

unsold unimproved school lands shall be five dollars per acre ; and the commissioner may sell and dispose of such lands at the said prices respectively : *Provided*, That the same have been once first offered at public auction at the aforesaid respective minimum prices ; and no such lands shall be sold for less than the aforesaid prices respectively : *Provided, also*, That no treasury notes or warrants shall be received for university lands hereafter forfeited to the state.

Sec. 11. The terms of payment on the sale of any of the university and school lands subsequent to the passage of this act, shall be twenty-five per centum of the purchase money to be paid at the time of the purchase, the balance of the principal to be payable at any time thereafter, at the option of the purchaser, with interest at the rate of seven per cent per annum on the unpaid balance, payable on the first day of March or within sixty days thereafter, in each and every year, at such place or places as shall be specified in the certificate of purchase, which the commissioner shall, at the time of such sale, make out and deliver to the purchaser or purchasers of said lands, and in which certificate the said commissioner in his official capacity shall certify in the name of the people of this state, the description of the land sold, the quantity thereof and the price per acre, the consideration paid and to be paid therefor, the time and terms of payment. And the said certificate shall further provide that if, in case of the non-payment of the interest due by the first day of March or within sixty days thereafter, in each and every year, by the purchaser or purchasers, or by any person claiming under him or them, then the said certificate shall be utterly void and of no effect ; and all the right, title and interest of the said purchaser, or any person claiming under him, of and to the land described in such certificate, shall be absolutely void, and the full title of said land and the right to the possession thereof, shall revert in the state ; and the said commissioner may take possession thereof and re-sell the same as is hereinafter provided.

Terms of  
payment.

Balance to  
be paid.

Duties of  
com'r.

When title  
and interest  
of purchaser  
to be  
void.

Sec. 12. Any purchaser of university or school lands, his heirs or assigns, who shall have paid, on or before the first day of March, one thousand eight hundred and forty-two, a sum equal to twenty per cent of the purchase money on his certificate, together with the interest up to said day ; and any purchaser, his heirs or assigns, since

When purchaser may pay balance.

the 13th day of April 1841, who shall pay according to the terms of his certificate, shall be privileged to pay the balance of principal due on his purchase at any time thereafter at his option ; but in all cases the interest on the unpaid balance of principal to be paid on or before the first day of March, or within sixty days thereafter in each

When certificate void.

and every year as aforesaid. And in case of the non-payment of either principal or interest when due, according to the provisions of this section, or according to the terms of the certificate as hereinbefore mentioned, as the case may be, the said certificate or certificates and all the rights of the purchaser or purchasers therein, shall become void and of no effect, and they and the said certificate shall become

When liable to penalties.

liable to all the penalties, and be included in the provisions hereinbefore and hereinafter prescribed concerning forfeitures, dispositions and re-sale of said lands on account of non-payment of the principal or interest as aforesaid.

Com'r. to receive security.

Sec. 13. The commissioner is hereby directed and required, whenever in his opinion the interests of the state will not be secured by the payment of the percentage mentioned in the 11th section preceding, to require of the purchaser such security for the payment of any moneys to become due and payable agreeably to the terms and requirements of the certificate of purchase, as in his opinion will secure the respective fund against loss.

Gov. to sign patents.

Sec. 14. The Governor of this state shall sign and cause to be issued patents for the said lands so purchased and described in the certificates aforesaid, whenever the same shall be presented to him with the further certificate of the commissioner endorsed thereon, that the whole amount of the purchase money, together with the interest due thereon had been paid, and the terms of the certificate or the requirements of law concerning the same had been fulfilled.

Title of bonds void in patent issues.

Sec. 15. The title to all the said lands shall remain vested in the state, until a patent shall issue for such as are fully paid for as aforesaid ; and in case of the non-fulfilment by the purchaser, or purchasers, of the terms of the certificate as is therein set forth as aforesaid, or in case of the non-fulfilment by the purchaser or purchasers of the requirements hereinbefore provided, the said certificate

When certificate void.

shall be void and of no effect, and all the interest of the purchaser, or any person claiming under him by virtue of the said certificate or provisions of law, shall be absolutely forfeited and become

void, and the possession thereof shall, without any act or proceeding in law, or otherwise, revert in the state, and it shall immediately after such forfeiture be deemed to be in actual possession thereof, and the commissioner may resell the same pursuant to the provisions of law : *Provided*, That in all cases where security has been taken from the purchaser by the commissioner for the payment of any money to become due and payable agreeably to the terms and requirements of the certificate of purchase contemplated in the 13th section of this act, the commissioner shall have power to sue for and recover such amounts as may become due and payable as aforesaid, for the payment of which such security was given.

Com'r may resell.

Sec. 16. All the improved portions of the university and school lands, shall be subject to sale at the respective prices at which they were severally offered at the last annual public sales, until the improvements on the same shall be appraised as is hereinafter provided.

Price of improved lands

Sec. 17. Whenever either the university or school fund will, in the opinion of the commissioner, be benefitted by laying off any section or part of a section into small lots, or into village lots, the said commissioner is hereby authorized to cause the same to be done ; and he may sell the same at the respective minimum prices established in this act ; or if in his opinion the said lots exceed in value such prices, he may cause the same to be appraised by three disinterested freeholders of the county in which such lands are situated, who shall, being first duly sworn, appraise the same at their true value, and make returns of such appraisement duly certified to the commissioner. In such case, the said lots shall be subject to sale under the terms, restrictions, requirements, and conditions of payment and forfeiture as is provided in this act, and shall be at the prices so severally appraised until a new or subsequent appraisal shall be made, which the commissioner in his discretion may cause to be had, in like manner as aforesaid. And the commissioner may also reserve from sale such portions of the university and school lands, so long as in his opinion it may not be advantageous to sell and dispose of the same.

Com'r. may lay off any lands.

Conditions.

Sec. 18. All university and school lands forfeited on account of the non-payment of either principal or interest, or both as aforesaid, shall, before the same shall become subject to private entry, be offered at public auction, and the minimum price per acre of such improved portions or tracts of which, shall be such as shall be determined and fixed by the commissioner as hereinafter provided.—

Forfeited lands offered at auction before private sale.

Published.

The sale thereof shall be held at such times, and at such place or places as shall be designated in a notice containing a description of the lands so forfeited, and which notice shall be published in a newspaper printed in the county in which such lands are situated, and if there be no newspaper published in said county, then in a newspaper published in an adjoining county, if there be one, if not, then in such newspaper as the commissioner shall designate, at least four weeks before the time of sale.

Lands under certificates to be taxed.

Lands taxed as personal property.

Sec. 19. All persons holding lands by virtue of the certificate of purchase as aforesaid, shall be liable to be taxed for the value of said lands: *Provided*, The same shall be valued and taxed as personal property, and not as real estate, and be collected in the manner provided by law for the assessment and collection of taxes on personal property; and such certificate shall be sufficient evidence of title in the purchaser or his heirs or assigns, to enable him or them to support an action of trespass on the lands held by virtue thereof; and such certificate shall entitle the purchaser to the immediate possession of such land, and shall be subject to record in the same manner that deeds of conveyance now are.

Pay to state treasurer.

Sec. 20. Any purchaser of university and school lands may pay to the State Treasurer either principal or interest which may be due from him on his certificate of purchase, for which amount so paid, the said Treasurer shall give his receipt which shall be countersigned by the Auditor General, and a statement of which payments shall be transmitted by the treasurer to the commissioner, on or before the 1st day of each and every month of the year.

Appraisal.

Duty of co. clerk.

Sec. 21. For the purposes of appraisal of improvements on the improved portions of the university, school, and state building lands, as is hereinafter mentioned, the commissioner shall cause to be prepared, on or before the first day of June in each year, lists of all the forfeited lands in the several townships in which they are situated, and also lists of the unsold lands which he may have cause to believe are improved, and transmit the same to the appropriate clerks of the respective counties, together with such forms of returns and certificates of appraisements as he shall direct, to be distributed forthwith, by the said clerks respectively, to the several supervisors of the townships to whom the same may be directed; and upon return of such appraise-

ment, as is hereinafter mentioned, the amount of value of the improvements on each tract or parcel, shall be divided by the number of acres thereof, and that amount, together with the minimum price per acre, as hereinafter established for the unimproved lands, shall be the specific minimum price per acre of said tract or parcel so appraised, until altered by subsequent appraisement; but the unimproved forfeited lands shall remain at the minimum price per acre, as established for the unsold and unimproved lands as aforesaid.

Sec. 22. Every supervisor of a township, upon receiving the lists <sup>Duty of supervisor.</sup> and forms as aforesaid, shall, as an agent under this act, take and subscribe the constitutional oath of office, before any officer authorized by law to administer oaths, and who shall administer the same free of charge; and the said supervisor shall thereafter proceed to estimate and appraise the value of the improvements on the lands mentioned in said lists, and, after making such appraisement according to the form directed by the commissioner as aforesaid, he shall make returns thereof duly certified, together with his oath, taken and subscribed as aforesaid, to the commissioner, on or before the first day of August in each and every year.

Sec. 23. The said supervisor, after having made such appraisement shall, also, on the second Monday in July in each year, let and lease <sup>Supervisor may lease lands.</sup> at public auction to the highest bidder, the improved parcels or tracts, and also the meadows of said lands in such convenient quantity according to the legal subdivision thereof, as in his opinion may be most productive of benefit to the respective funds, and shall execute to the lessee a lease for the lands so bid off, and rented, the term of which lease shall be one year, to commence on the 1st day of September next, and to terminate on the thirty-first day of August, in the year following; and he shall annually lease thereafter, in like manner, for the term of one year, to commence and terminate on the thirty-first day of August, as aforesaid. Said lease shall enable the lessee to main- <sup>Power of lessee.</sup>tain an action of trespass on the lands therein mentioned, but shall not be construed as authorizing the lessee to cut, injure, carry away, or otherwise destroy any of the timber or fences, buildings or other property found or situated on said lands. The terms of payment, unless the rent be paid at the time of leasing, in money, shall be, one half the amount of rent on the first day of March succeeding the date

of the lease, the balance at the expiration of the lease as aforesaid, except for meadow lands, the whole amount of rent for which shall be paid on the first day of March as aforesaid, to be secured by negotiable notes of hand, drawn jointly and severally, be made payable to the commissioner of the land office or bearer, and executed by the lessee and two other persons as sureties, to be approved by the supervisor; and in case of the non-payment of the rent, or any part thereof, whenever the same shall become due as aforesaid, the supervisor shall, in the name of the commissioner, sue for and collect the same according to law.

10 days notice of leasing to be given &c.

Sec. 24. At least ten days' notice of such leasing shall be given by the said supervisor, by posting up written notices in three of the most public places in the township; in which notice shall be set forth the description of the lands and meadows intended to be leased, and the time and place of leasing, which leasing shall be done at the most public and convenient place in the township. And the said supervisor, before he shall proceed to discharge the duties prescribed in the preceding section, shall execute to the commissioner of the land office a bond, in the penal sum of one thousand dollars, conditioned that he will honestly and faithfully discharge the duties under this act, and that he will pay over all moneys which he may receive, or which may come into his possession by virtue thereof, whenever required so to do by law; which bond shall also be signed by at least two sufficient sureties, to be approved by the county clerk, to be by him kept on file in his office.

Supervisor to make returns, &c.

Sec. 25. The supervisor aforesaid shall, on or before the first day of August, or at such other time as the commissioner may direct, make returns of his proceedings under the sections preceding, to the said commissioner, according to the forms hereinbefore mentioned, which returns shall also contain the names of the sureties of said supervisor and their places of residence; and he shall also, on or before the first day of January, April, July and October, pay over to, and cause to be deposited with the Commissioner or State Treasurer, all monies received by him under this act, and shall also, at the same time transmit a statement to the Commissioner, of the names of the persons from whom the same was received, and the class of lands to which it belongs. And the said supervisor shall be entitled to receive



and retain, out of any monies collected and paid over to him according to the provisions of this act, the sum of two dollars per day for each and every day actually employed in the discharge of the duties herein prescribed, and he shall, at the time of transmission of the statement above mentioned, also make and certify, under oath, an account of the number of days he was engaged in such services, and the amount retained by him in payment of the same.

Compensation of supervisor.

Sec. 26. The Commissioner shall direct the manner, terms, and conditions of leasing the said improved and meadow lands, until the first day of September next; and he may also, if in his opinion the said funds will be benefitted, or the public convenience be promoted, prescribe such additional regulations and impose such additional duties on said supervisors, as he may deem necessary to attain the objects aforesaid; and such regulations, directions and duties, so prescribed and imposed, shall be observed and performed by the said supervisors and be as equally binding upon them, as if they were specially mentioned in this act.

Duties and powers of com'r.

Sec. 27. If, on account of the sickness, death, resignation, or removal of any of the said supervisors, or for any other cause he shall be unable or disqualified to perform the duties imposed on him in this act, then the township clerk of the said township shall do and perform the same, under the obligations and requirements hereinbefore specified, and he shall receive the same compensation provided for the supervisor, and to be paid in the manner aforesaid. And if the supervisor or township clerk, as the case may be, shall refuse or neglect to do and perform any of the duties herein required of him, he shall be liable for the amount of damages incurred by reason of such neglect or refusal to perform said duties, and the commissioner may sue for and recover, in the name of the state, for such damages as may be shown to have been sustained by the respective and appropriate fund, and collect the same according to law.

When clerk to do Duties of supervisor.

Sec. 28. The State Geologist shall cause to be procured from the office of the surveyor general at Cincinnati, the field notes, and notes of meanderings of the lakes and streams across and upon such sections of said lands as are thereby made fractional, and, after obtaining the same, shall cause to be laid off and sub-divided the said sections into such lots and fractions, the contents of which shall be de-

Duties of state geologist.

signated, as may be suitable and convenient for sale, and as may enable the Commissioner to dispose of the same by the numbers or description thereof, and where the United States surveys may have neglected or omitted such meanderings, said geologist shall cause the same to be done by the county surveyors of the respective counties in which the lands are situated, when in the opinion of the commissioner it shall be necessary.

Relative to  
lands in  
Ohio.

Sec. 29. It shall be the duty of the commissioner to personally examine into the situation and condition of the university lands lying near Toledo, in the state of Ohio, and if, in his opinion, it would be proper or advantageous to the fund to sell the said lands, or to offer the same for sale, he is hereby authorized so to do, under the restrictions and according to the terms hereinbefore prescribed, and which shall be applicable to, and binding upon, all purchasers thereof.

*Concerning State Building Lands.*

State building  
lands.

Sec. 30. The minimum price of the unsold and unimproved state building lands shall be twelve dollars per acre, and the minimum price of the improved lands shall be such as may be fixed and determined by the commissioner, according to the provisions of the twenty-first section of this act; but none of said lands shall be sold for less than twelve dollars per acre, as aforesaid.

Terms of  
payment.

Sec. 31. The terms and conditions of payment, of both principal and interest, shall be the same in all respects as is prescribed in the eleventh section of this act, for the sale of university and school lands and all sales shall be made under similar restrictions and provisions as are applicable and prescribed for the sale of those classes of lands; and, upon the sale of any of said state building lands, the commissioner shall make out and issue a certificate of purchase for the same in like manner as is prescribed in the said eleventh section of this act, which certificate, and the holder thereof, shall be subject to all the penalties of forfeiture, and shall be governed by all the terms, conditions and provisions of law, herein enacted, concerning university and school lands.

Duties of  
com'r.

*Concerning Internal Improvement Lands.*

Sec. 32. The minimum price of the half million acres of land granted by act of Congress September 4, 1841, to this state for in-

ternal improvement purposes, shall be one dollar and twenty-five cents <sup>Int. Imp. lands.</sup> per acre, and no lands included within this class, shall be subject to private entry (except by pre-emption claimants, as is hereinafter provided,) until the same shall have been once first offered at public auction, nor shall they be sold for less than their respective minimum prices, and all lands not sold at such public auction, shall be subject to sale at any time at their minimum prices, respectively.

Sec. 33. All lands or other property belonging to the state or <sup>All other lands belonging to the state to be appraised.</sup> in which it may have any interest, that has been or may be derived from the assets of the Michigan State Bank, or which has been or may be derived from any other source in payment of debts to the state shall be appraised by the Commissioner, the Auditor General, Secretary of State, and State Treasurer, or any two of them, as soon as the title to the same or any part thereof may be perfected and vested in the state, which appraisal shall be in writing, and copies thereof filed in the offices of the Commissioner and Auditor General. And the said lands or property, after being once offered at public auction, at the appraised value, and not sold, shall remain in the said land office subject to sale at any time, at a minimum price not less than the aforesaid appraised value, or of any subsequent appraisal, which the appraisers aforesaid are hereby, in their discretion authorized to make.

Sec. 34. On the sale of any of the said lands, the Commissioner shall make out and deliver to the purchaser or purchasers thereof, a <sup>Duty of com'r. on sale of lan's.</sup> certificate of purchase, which shall contain a description of the lands purchased, the contents thereof, the amount paid therefor, the date of the sale and the name of the purchaser, and shall endorse on the same the kind of funds or evidences of debt received in payment, which certificate shall also provide that upon presentation of the same at the office of the Secretary of State, the purchaser shall be entitled to receive a patent for the lands therein described, from the Governor pursuant to law.

Sec. 35 Whenever it may be necessary to offer any of said lands at public sale, the Commissioner shall give notice thereof at least four <sup>Notices.</sup> weeks before the day of sale, by causing the said notice, in which shall be set forth the names or numbers of the townships and ranges in which lands intended to be offered are situated, and the time and place of the sale, to be published in a newspaper printed in each county, if

be any so published, in which such lands are situated, and also there in the state paper.

Com'r. to  
make out  
certificates  
and transmit  
to Govern'r.

Sec. 36. The Commissioner shall, on or before the first day of January, April, July, and October, in each year, cause to be made out a statement of all certificates of purchase issued by him for said lands, the numbers thereof, the descriptions of the lands mentioned in each certificate, and the names of the purchasers, and transmit the same to the Governor, who shall, on the receipt thereof, execute patents for the lands mentioned in said certificates to the purchasers thereof, or their assigns, and such patent or exemplified copy thereof, shall be received as evidence of the facts contained therein in all courts of justice: *Provided*, That no such patent shall be issued by the Governor unless he shall be satisfied that the title of the state to the lands mentioned and described in the statement aforesaid, is perfect and complete.

When pa-  
tent to be de-  
livered by  
sec'y. state.

Sec. 37. The Secretary of State shall not deliver to any purchaser, such patent, until the original certificate of the Commissioner shall be deposited in his office, unless the same shall have been lost or destroyed, and upon the affidavit of the purchaser or his legal representative of that fact, the Commissioner shall issue to him or them a duplicate of the original certificate, and upon the presentation of such duplicate, certificate and affidavit to the Secretary of State, he or they shall be entitled to receive a patent for the land purchased, and all such certificates and affidavits shall remain on file in the office of the Secretary of State.

Evidence of  
title.

Sec. 38. The certificate of purchase given by the Commissioner to any purchaser of said lands in pursuance of the foregoing provisions shall be sufficient evidence of title to enable such purchaser to maintain an action of trespass, or other proper action for any injury to said lands, or to recover possession thereof, and the said lands shall be liable to be taxed after the issuing of such certificate.

Pre-emption  
rights.

Sec. 39. In case any person, at the time of the location and selection of any of the lands granted by the act of Congress of September 4, 1841, to this state for internal improvement purposes as aforesaid, was in actual possession of the same, and had made improvements thereon, with the intention of securing a pre-emption right by virtue of the laws of Congress, he shall be entitled to purchase said lands

at the minimum price hereinbefore established for said lands, within one year from the passage of this act: *Provided*, Evidence of such possession, improvements, and intention, satisfactory to the commissioner, be filed with him before the time of public sale authorized as aforesaid, or before the lands so claimed are sold to any other person: *And provided also*, That no person shall be entitled to claim by such pre-emption right, more than one hundred and sixty acres.

Sec. 40. All warrants drawn by the Auditor General, now outstanding, or that may hereafter be drawn in pursuance of law against any of the funds of this state, and all treasury notes, shall be receivable in payment for all lands embraced in this class, and the Commissioner shall, at the time of the reception of such warrants, endorse the amount of interest on each when received. State warrants.

#### *Miscellaneous Provisions.*

Sec. 41. All books and papers of every name and description in possession of any officer, touching or concerning any of the public lands of this state, except such as are properly and appropriately a part of the records and files of their offices, shall be transferred to the office of the Commissioner of the land office. Books and papers.

Sec. 42. The State Geologist shall, as soon as the same are completed, furnish the office of the Commissioner of the land office with a map of each of the several counties of this state. Maps.

Sec. 43. The Commissioner shall, on or before the first day of April in each year, transmit to the county treasurers of every county in which any of the lands mentioned in this act, may have been sold, a statement of the description of the lands, and the names of the purchasers; and said treasurer shall give to the supervisors of the several townships in his county, in which such lands are situated, a statement of the said lands, and the names of the purchasers, for the purpose of taxing the same. Com'r, to transmit list of lands sold.

Sec. 44. The register of deeds of the several counties, are hereby authorized to record the patents issued by the Governor, in conformity with the provisions of this act, in their respective offices, and the record of said patent shall be as valid and effectual as though the same had been witnessed and acknowledged as other conveyances of real estate are by law required to be. Register of deeds to record patents.

Sec. 45. If the said commissioner, his deputy or clerk, shall ap-

propriate any of the public moneys or evidences of debt that may be officially received into the said land office, to his or their own private use, except in pursuance of law; or shall lend to others, or otherwise embezzle any of the said moneys or evidences of debt received as aforesaid, he or they shall be prosecuted for said offence, and on conviction thereof, be punished by fine and imprisonment, the fine not to exceed five thousand dollars, and the imprisonment not to exceed five years in the state prison, at the discretion of the court.

**Penalties.**

**Expenses of land office.**

Sec. 46. The incidental expenses of the said land office shall be paid out of the appropriate funds incurring the same, and said expenses, with such vouchers thereof as are satisfactory to the board of state auditors, shall be allowed by them, at their annual settlement with the commissioner, in pursuance of law.

**When sales of land void.**

Sec. 47. All sales of land made through mistake, or fraud, or not being in accordance with law, and all certificates of purchase shall be void and of no effect, and no rights under the same shall accrue or be exercised by the holders of such certificates. And they shall be required to surrender the same to the commissioner, who shall refund to them the same amount, and in like funds as were paid by them on such certificates of purchase or payment.

**Assignees of certificates, their rights.**

Sec. 48. The legal assignees of all bonafide purchasers of any of the lands mentioned in this act, shall be subject to, and governed by, the provisions of law applicable to such class of purchasers, of whom they are the assignees, and they shall be deemed to be on an equal footing, in all respects whatsoever, with their respective purchaser or assignor.

**How sales to be made.**

Sec. 49. All sales of any of the lands in charge of the commissioner, as mentioned in this act, shall be made according to the subdivisions thereof by the United States surveys, unless the same shall have been or may be laid off into smaller or village lots in pursuance of law.

**Pre-emption rights.**

Sec. 50. No claim or right of pre-emption to any of the lands mentioned in this act, excepting the lands granted by act of Congress, September 4, 1841, to this state, for internal improvement purposes, as aforementioned, nor any affidavits or statements, intended as proof of such right or claim, shall be considered or allowed by the

commissioner; nor shall any act or provision of law now existing, be so construed as to grant or allow any such right or claim, excepting the lands granted for internal improvement purposes aforesaid- and as provided in the thirty-ninth section of this act.

Sec. 51. The right of way through any and all the forfeited or unsold lands mentioned in this act, for the purposes of construction and operation of any railroad or other public work of the state, shall be, and the same is hereby reserved to the state; and no damages for the same shall be claimed by, or allowed to any person who may have been a purchaser of said lands and forfeited the same, or who may become a purchaser of any of said lands.

Right of way secured to the state.

Sec. 52. All fines, penalties or damages, collected under, and by virtue of the provisions of this act, shall be paid over to the commissioner, or into the state treasury, and shall inure to the benefit of the appropriate fund to which it may properly belong.

Sec. 53. All the bonds and mortgages of persons, given for or on account of loans from either the university or school fund, upon which are due and unpaid either principal or interest, shall be delivered over into the possession of the trustees appointed under the "act to provide for the collection of certain assets transferred to the state, and for other purposes," approved February 17, 1842, for the purposes of collection or settlement thereof. And the said trustees are hereby authorized to sue for and recover the amounts which may be due thereon, or to take and receive from said persons, such moneys, property or evidences of debt, in liquidation and settlement of the amount due on said bonds and mortgages respectively, as under the circumstances they may deem most advantageous for the funds aforesaid; and, upon liquidation, settlement and payment of said amounts due, they shall cancel and release the said bonds and mortgages, and deposit such moneys as they may receive on such settlement, in the state treasury, to the credit of the appropriate fund.

Bonds and mortgages.

Authority to collect and settle same.

Sec. 54. Every person who shall commit any wilful trespass on any of the lands owned, or held in trust or otherwise by the state, either by cutting down or by destroying any timber or wood standing or growing thereon, or by carrying away any timber or wood therefrom, or who shall injure or remove any of the buildings, fences, improvements, or property belonging to or in any wise appertaining to

Trespass.

said lands, or shall aid, direct or consent to any such trespass, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail not more than one year, or by a fine not exceeding five hundred dollars, or both fine and imprisonment in the discretion of the court. And it is hereby made the duty of every court having jurisdiction of such offence to specially charge every grand jury empannelled, to inquire into and present any person or persons offending against this act.

**Damages.**

Sec. 55. Any person who shall commit any trespass on any of the lands owned or held in trust by this state or otherwise, shall be liable in an action of trespass to be brought in the name of the people of this state, and they may recover three times the amount of damages that shall be assessed therefor, when such trespass shall have been wilful ; when otherwise, single damages only.

**Forfeiture  
of lands.**

Sec. 56. Upon the forfeiture by any person of any contract entered into for the leasing or purchase of any lands owned or held by this state, in trust or otherwise, such person shall forthwith surrender and yield up the possession of the same, and if such person or persons, his heirs, executors, administrators or assigns, shall neglect or refuse to yield up the possession thereof to the state, he or they shall be liable to an action of forcible entry and detainer in the same manner and under the same restrictions and penalties as though such person or persons were holding over contrary to the conditions and covenants of a lease or written agreement.

**Duties of  
prosecuting  
attorneys.**

Sec. 57. The prosecuting attorneys of the several counties, shall promptly report to the commissioner all cases of trespass on any of the public lands mentioned in, or contemplated by this act, which may come to their knowledge, or of which they may be informed, and they shall whenever requested by the commissioner, appear and prosecute all suits for trespass or otherwise, and either of them, or the attorney general, shall, whenever requested by the commissioner, advise with and give his or their opinion upon all subjects or questions of law which may be by said commissioner submitted to him or them, without unnecessary delay, and free of charge to the state, or to the said commissioner.

**Transcript  
from books.**

Sec. 58. In every case where suit has been or shall be instituted by the state, under or by virtue of the provisions of this act, a transcript from the books and proceedings of the land office, certified by



the commissioner and authenticated under the seal of the land office, shall be admitted as evidence, and the court trying the cause may ~~Evidence.~~ grant judgment and award execution accordingly. And all copies of bonds, contracts or other papers relating to or connected with the settlement of any account between the state and an individual, when certified by the commissioner as aforesaid to be true copies of the originals on file, may be annexed on such transcripts, and shall have equal validity and be entitled to the same degree of credit which would be due to the original if produced and authenticated in court. When suit is brought upon a bond or other instrument and the defendant shall file an affidavit with his plea denying the genuineness of the instrument, the court may take the same into consideration, and (if it shall appear necessary for the attainment of justice,) may require the production of the original bond, contract or other paper specified in such affidavit.

Sec. 59. The commissioner of the land office shall procure a seal of suitable device, which shall be known as the seal of the land office.

Sec. 60. The act to organize a land office and to regulate the sales of the public lands, approved March 6th, 1843, and all acts and parts of acts concerning the charge, superintendence, sale or other disposition of any or all the public lands mentioned in, or contemplated by this act, be and the same are hereby repealed: *Provided, Repealed.* That all acts and things legally done in pursuance of the provisions of the same, shall be valid in law; and all specific, positive and express rights granted to any person or persons, and all duties imposed upon any officer by such provisions, and which are not herein provided for, shall remain vested in him or them, and be obligatory upon such officer until otherwise provided by law.

Sec. 61. This act shall take effect and be in force from and after its passage.

Approved March 11, 1844.

## No. 69.

## AN ACT authorizing marks and brands for Horses, Cattle, Sheep and Swine.

**Recorded.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That any person may apply to the town clerk of the township where he resides, and have such mark or brand as he may select, recorded in a book for that purpose, which said mark or brand shall be different from that of any other person before recorded in said town clerk's office; which mark or brand when made upon horses, cattle, sheep, or swine, shall be prima facie evidence of ownership of such animals, in the person having such mark or brand recorded.

**Evidence.** Sec. 2. Any person wrongfully altering such mark or brand, by cutting, defacing, obliterating, or in any manner destroying the marks or brand of the owner of any creature or animal, or shall mark or brand, with intent to wrong or defraud the owner of such animal, shall forfeit the sum of one hundred dollars to any person who shall sue for and prosecute the same to effect, before any court proper to try the same, and shall be liable also to the owner for double the amount of damages by him sustained.

**Penalty.** Sec. 3. The town clerk may demand and receive the sum of ten cents for recording each and every mark or brand, and the same sum for a certificate of said mark or brand, to be paid by such person as shall apply for such recording or certificate.

**Fees, &c.** Approved March 11, 1844.

## No. 70.

## AN ACT to amend the several acts to organize the Militia of this State.

**Rendezvous** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the rendezvous of officers, non-commissioned officers and musicians, for the purpose of improving in martial exercise, now directed by law to take place in the month of October in each year, shall hereafter take place between the first day of June and the thirty-first day of July in each year, by divi-

sion, brigade or regiment, or separate battalion, as prescribed in the next section : *Provided*, That if the officers, non-commissioned officers, and musicians of any division, brigade or regiment, have, by a vote of the majority of the same, decided on encampment for three days, instead of the daily rendezvous for three days as now prescribed by law, then such encampment is hereby directed in place of said daily rendezvous at the next annual period for such rendezvous ; and in case, the adjutant and inspector general are to be notified, and the senior officer present, of the division, brigade, regiment or separate battalion, shall command : *And further*, That for the purpose of preserving order and rendering such encampment useful, the said officers, non-commissioned officers, and musicians, shall be considered as under arms from the rising of the sun on the first of said three days, until the setting of the sun on the last of said three days, and subject to orders and regulations during all of that time, as prescribed in section twenty-first, of the act approved April 23, 1833, and liable to the due exercise of all powers authorized in that section.

Sec. 2. The major general in each year may, by division order, fix the time and place in each brigade, regiment or separate battalion of his division, for the rendezvous of officers, or the encampment in lieu thereof, agreeably to the foregoing section ; and he may also in like manner fix the day and the place for the rendezvous of each regiment of his division each year, or he may by orders in each year dispense with either of said rendezvous, duly notifying the adjutant and inspector generals : *Provided*, That if the major general shall not have issued any order directing such rendezvous ; or dispensing with one or both, before the fifteenth day of April, then each brigadier general may, in and for his own brigade, issue such order, sending a copy to the major general and the adjutant and inspector generals : *And provided further*, That if neither the general of the division or of the brigade shall have issued such order before the first day of May, then the colonel or commanding officer shall, in his own Powers of Colonel or commanding officer. regiment or separate battalion, issue such order previous to the day of company muster, as provided by law, sending a copy thereof to the brigadier general, who shall notify the major general.

Sec. 3. The major general may, at his own discretion, attend the rendezvous or encampment of either brigade or regiment in his di- Major General may not attend rendezvous.

**Mile stones.** Sec. 8. The said corporation shall cause mile stones or posts to be erected and maintained, one for every mile of said road, from Detroit to the said base line, and on each stone or post shall be legibly marked or inserted, the distance the said post is from Detroit and if any person shall wilfully cut, injure or destroy said mile post, or said road itself, or shall pass the gates without payment of toll, such person or persons shall forfeit and pay for every such offence twenty-five dollars, to be recovered by the said corporation in their corporate name, and for their benefit, in an action of debt, before any justice of the peace of the county where said offence is committed, or where the offender may be found; such offender or offenders shall also be liable to said company for all damages which said company shall sustain by reason of the commission of any wilful injury to said posts, or to said road.

**Toll gatherer.** Sec. 9. If any toll gatherer shall unreasonably detain or hinder any traveller or passenger at either of the said gates, or shall demand or receive more tolls than, by this act is established, he shall, for every such offence forfeit and pay twenty-five dollars, to be recovered by the person so unreasonably detained, for his own use, with costs of suit, before any justice of the peace in the county where such detention occurred: *Provided*, That if no goods and chattles can be found to satisfy said judgment and costs, then in that case the property of said company shall be liable to execution issued on said judgment, and the same may be taken on such execution in the same manner as if said execution was against said company in its corporate name.

Sec. 10. The said corporation shall cause to be posted up in some conspicuous place at each of the gates, a list of the tariff of tolls established by this act; if said corporation shall fail to post and keep up such list of tolls, for such neglect the company shall not be entitled to receive any tolls during such neglect.

**Shares.** Sec. 11. The shares of said plank road shall be deemed and considered to be personal property, and shall be transferable in such manner as the president and directors may direct.

Sec. 12. Whenever complaint shall be made to either of the three commissioners appointed in pursuance of the provisions of this act, that any part or parts of said road is out of repair, it shall be the duty of such commissioner to give notice to the other two commissioners who, with him, shall proceed to examine such part or parts of said road, and if the same shall, in the opinion of such commission-

No. 71.

**AN ACT** to amend the charter of the city of Detroit.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section seven of the act entitled an act relative to the city of Detroit, approved April 4, 1827, be and the same is hereby repealed.

Sec. 2. The common council of the city of Detroit are hereby authorized to dispense with the service of any particular officer of said city, appointed by said council, and require the duties of his office to be performed by such other officer as they by resolution or ordinance may designate.

Sec. 3. The common council may appoint a suitable person as city auditor, who shall hold his office for and during the term of three years, to be removed only by a vote of two thirds of all the members of said council, whose duty it shall be to audit all accounts and claims presented against the city, and examine and adjust, at least once in every three months the accounts of all officers of said city, in such manner as the common council shall direct, and shall receive for his services such compensation as the common council may from time to time allow. Act amended.

Sec. 4. The said city auditor previous to entering upon the duties of his office, shall take and subscribe an oath for the faithful discharge of the same, and also enter into a bond in such a sum, and with such sureties as the common council shall approve of.

Sec. 5. This act shall take effect from and after its passage.

Approved March 11, 1844.

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No. 72.

**AN ACT** to amend an act entitled "an act to incorporate the Grand Rapids Bridge Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the completing the bridge mentioned and intended in the act entitled an act to incorporate the Grand Rapids bridge company, be, and is hereby extended to the first day of January, eighteen hundred and forty-six: *Provi-* Time for completion extended.

## LAWS OF MICHIGAN.

and, That said extension shall not prevent the supervisors of Kent county from building a free bridge across Grand River at Grand Rapids, and that said company shall not have any claim for damage on account of the building of said free bridge.

Approved March 11, 1844.

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### No. 73.

**AN ACT** to amend an act entitled "an act for the relief of certain settlers on University lands in the county of Oakland," approved March 9, 1843.

Act amend-  
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Section one of an act entitled "an act for the relief of certain settlers on the university lands, in the county of Oakland," approved March 9, 1843, be amended by striking out the first section and substituting the following in lieu thereof: "The commissioner of the land office is hereby required to issue a certificate of purchase to Moses Rogers, for the east half of the south east quarter of section thirty one, in town one north, range ten east; to Ira Dunham, for the east half of the south west quarter of the same section; to William Maden, for the west half of the south west quarter of the same section; to William McDermott, for the south west quarter of section thirty, in town one, north, range ten, east; to Chauncy S. Wixon, for the north west quarter of section thirty, town one north, range ten, east; to Horatio Lee, George Maynard and Patrick McDonald, for the north east quarter of the same section; to Wm. Evans, for the east half of the south west quarter, and the west half of the south east quarter, section nine, town one, north, range ten east; to Thomas Evans, for the east half of the north west quarter of the same section; to Andrew Hoffman, the west half of the north east quarter, and the south east quarter of the south east quarter of the same section; to James Hoffman, for the west half of the north west quarter of the same section; in the manner and at the prices specified in the second and third sections of the act to which this act is amendatory: *Provided*, That nothing in this act shall authorize the sale of any of said lands at less than five dollars per acre: *Provided further*, That the aforesaid persons shall avail themselves of the provisions of this section within six month from the passage of this act."

Sec. 2. Section four of an act to which this act is amendatory, is hereby repealed.

Approved March 11, 1844.

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No. 74.

**AN ACT to incorporate the Detroit and Birmingham Plank Road Company.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Jonathan Kearsley, William Com'rs. Poppleton, Moses Peck, Peter Van Every and John P. Richardson, be, and they are hereby appointed commissioners under the direction of whom, or a majority of whom subscriptions may be received to the capital stock of the Detroit and Birmingham plank road company hereby incorporated; and they shall cause books to be opened at Peter Dox's tavern, in the township of Bloomfield, county of Oakland, and at the office of Jonathan Kearsley in the city of Detroit, county of Wayne, for two successive days, at such days as a majority of them shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the time and place of taking such subscriptions, by posting up notices thereof in Detroit, Bloomfield and Pontiac, and also by publishing said notice in a paper printed in Publishing notice. Detroit, also in Pontiac; and the said subscribers shall pay three dollars on each share subscribed at the time of subscribing therefor, and they and their successors and assigns, for the period of twenty years after the passage of this act, be and the same are hereby constituted and declared to be a body politic and corporate under the name of the Detroit and Birmingham plank road company, and by that name they and their successors, for the period aforesaid, shall and may have succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a common seal, and that they and their successors by the name aforesaid, shall in law be capable of purchasing and holding any lands, tenements,

whenever: *Provided, That* it shall construct, preservation and repair of said road, bridges and toll houses thereon. The capital of said company shall be fifty thousand dollars divided into one thousand shares of fifty dollars each. The first meeting for the said company, whenever its whole capital has been subscribed and ten thousand dollars paid up, shall be held for the purpose of transacting business, and with that capital to conduct and manage the said road until the said company shall deem it expedient to increase its capital; and the said commissioners shall make such regulations for the management of the stock as they may deem for the best interests of the company.

The directors shall be conducting the business of said company, which shall be the construction of a plank road on the present Saginaw turnpike from the Grand Circus, in the city of Detroit to Birmingham, in the township of Bloomfield, in the county of Oakland, there shall be five directors to be chosen by the stockholders, one of whom they shall annually elect their president, who shall hold their offices for one year or until others shall be elected in their stead. The meeting of the first directors shall be held on the third Tuesday of June, 1844, at John Davis' tavern, in Royal Oak, and all subsequent elections shall be held at such time and place as the directors shall determine, thirty days notice thereof being first given, by publication in some newspaper in the city of Detroit and in the village of Pontiac; at which meeting each stockholder may vote in person or by proxy, each share being entitled to one vote: *Provided, That* this corporation shall not be dissolved by reason that the annual election is not held at the time above mentioned.

**Sec. 4.** The said company shall be and is hereby authorized to construct a plank road on the Saginaw turnpike, from the Grand Circus in the city of Detroit, to Birmingham in the county of Oakland. Said road to be built of good sound plank, and not less than eighteen feet long, and in such a manner as to make a good road at all seasons of the year. Said company shall have power to cut a ditch on either or both sides of said road sufficiently deep to drain the water from said road and the marshes adjoining, and carrying it off from the said road into the Detroit river, if said company shall deem it advisable



and the said road shall be completed in a good and workmanlike manner, and said ditches on either side, wherever other roads intersect the said plank road, shall be so constructed and covered as to allow the convenient passage of carriages and sleighs.

Sec. 5. The directors of said company may call for and demand of the stockholders and subscribers for stock, all such sum or sums of money as are by them respectively subscribed, which said sum or sums, such stockholders and subscribers are hereby declared liable to pay at such times and in such proportions as the said directors shall deem best for the interest of the company. The said directors giving at least thirty days notice of such call or dividend in one newspaper in the village of Pontiac and one in the city of Detroit, and in case of failure to pay the same the said directors may declare the shares of such subscribers or stockholders so failing forfeited, and such shares with all previous payments made thereon shall be thereby forfeited and become the property of said company. Directors.

Sec. 6. As soon as the president and directors shall have completed the said road, or nine miles thereof, it shall be lawful for the said president and directors to give notice thereof to the person administering the executive department of the government of this state, for the time being, who shall thereupon forthwith nominate and appoint three discreet freeholders commissioners, who are in no way interested in the said road, to view the same, and to report to him in writing whether such part of the road is completed in a workmanlike manner, according to the intent and meaning of this act; and if the report shall be in the affirmative, it shall be the duty of the person administering the executive department of this state for the time being, and he is hereby required by license under his hand, and the seal of this state, to permit the said president and directors to make and erect so many gates upon and across said road, as may be necessary and sufficient to collect the dues and tolls hereinafter granted to the said corporation, from all persons travelling or using the same: *Provided, however,* That they shall not have on said road from Detroit to Birmingham more than one gate for taking whole toll, and two gates for taking half tolls, or in that proportion for so much of said road as may at any time be finished, only two of which, one for taking whole toll, and the other for taking half toll, shall, at any time, be Tollgates.

placed between the city of Detroit and where said road shall be intersected by the Paint Creek road, so called.

**Toll.**

Sec. 7. As soon as the whole or eight miles of said road shall be completed, and permission as aforesaid granted to erect a gate or gates upon and across the same, it shall and may be lawful for said president and directors to appoint toll gatherers to collect and receive of and from all and every person and persons using said road, at each and every of said whole toll gates, and at each half toll gate in proportion, such tolls and duties, to wit: For every score of hogs or sheep, fifteen cents; for every wagon drawn with two horses, mules or oxen, twelve and a half cents; for every additional horse, mule, or ox, three cents; for every coach, pleasure wagon or pleasure carriage drawn by two horses, twelve and a half cents; for every additional horse three cents; for every chaise, sulky, or pleasure carriage drawn by one horse, six and a quarter cents, and for every additional horse, three cents; for every cart drawn by two oxen, nine cents, and for every additional yoke of oxen, four cents; for every horse or mule, rode, led or driven, four cents; for every cart drawn by one horse, six cents; for all sleighs or sleds drawn by one or more horses, mules, or oxen, half the toll for vehicles on wheels; for every horse or mule and rider, six cents. And it shall and may be lawful for any toll gatherer to stop any person riding, leading or driving any horses, cattle or sheep, or article named above in this section, as subject to pay toll, until the same be paid: *Provided, however,* That nothing in this act shall be construed to entitle the said corporation to demand or receive toll at any gate, of or from any person passing to or from public worship on Sundays, or going to or returning from funerals, or going to or from a grist mill, for the grinding of grain for family use; or from any troops in the service of this State or the United States; or for the transportation of any property belonging to the United States or to this State.

**Mile stones.**

Sec. 8. The said corporation shall cause mile stones or posts to be erected and maintained, one for every mile of said road, from Detroit northward to Birmingham, and on each stone or post shall be legibly marked or inserted, the distance the said post is from Detroit and shall also erect and maintain guide boards at the intersection of all public roads leading into or intersecting said plank road, on which

shall be inscribed the name of the place to which such road leads; and if any person shall wilfully cut, injure or destroy said mile post, guide boards or said road itself, or shall forcibly pass the gates without payment of toll, such person or persons shall forfeit and pay for every such offence twenty-five dollars, to be recovered by the said corporation in their corporate name, and for their benefit, in an action of debt, before any justice of the peace of the county where said offence is committed, or where the offender may be found; such offender or offenders shall also be liable to said company for all damages which said company shall sustain by reason of the commission of any wilful injury to said posts, guide boards or to said road.

Sec. 9. If any toll gatherer shall unreasonably detain or hinder any traveller or passenger at either of the said gates, or shall demand or receive more tolls than, by this act is established, he shall, for every such offence forfeit and pay twenty-five dollars, to be recovered <sup>Toll gatherer.</sup> by the person so unreasonably detained, for his own use, with costs of suit, before any justice of the peace in the county where such detention occurred: *Provided*, That if no goods and chattles can be found to satisfy said judgment and costs, then in that case the personal property of said company shall be liable to execution issued on said judgment, and the same may be taken on such execution in the same manner as if said execution was against said company in its corporate name.

Sec. 10. The shares of said plank road shall be deemed and considered to be personal property, and shall be transferable in such <sup>Shares.</sup> manner as the president and directors may direct.

Sec. 11. Whenever complaint shall be made to either of the three commissioners appointed in pursuance of the provisions of this act, that any part or parts of said road is out of repair, it shall be the duty of such commissioner to give notice to the other two commissioners who, with him, shall proceed to examine such part or parts of said road, and if the same shall, in the opinion of such commissioners, be out of repair, then the said commissioners shall give notice in writing of such defect, to the toll gatherer or person attending the gate nearest the place so out of repair, and may also, in their discretion, in the said notice, order such gate or gates to be thrown open, and the said gate or gates, so ordered to be thrown open, shall after service of such notice as aforesaid, be open and remain open; and no tolls shall be demanded until after said road is put in complete repair; and if such keeper of the gate shall not immediately, after the receipt <sup>When road is out of repair.</sup>

of said notice, open the gate, and keep the same open until such repairs are completed, or shall hinder or detain any person or persons in passing said gates, or shall take or demand any toll from any person or persons, after receiving such notice and until such repairs are completed as aforesaid, the toll gatherer or gate keeper, so detaining any person as aforesaid, shall forfeit and pay to the said person so detained as aforesaid, the sum of twenty-five dollars for each and every offence, to be recovered in an action of debt before any justice of the peace in any county where said detention occurs, and the property of said company shall be liable on said judgment, and the same may be taken in any execution issued thereon in the same manner as if the same were against said company in its corporate name; and the said commissioners appointed under and by virtue of this act, shall receive, as a compensation for their services one dollar and fifty cents per day for every day they are employed, to be paid by the toll gatherer nearest to where the service was rendered, out of the moneys collected at such places; and in default of such payment, said toll gatherer and the stockholders of said company shall individually, be liable to said commissioners.

Books.

Sec. 12. The said board of directors shall keep a set of corporate books, open at all times to any or all of the stockholders, in which shall be entered the cost of the construction of said road and fixtures, and also the expenditures of said company, and all moneys by them received, and an accurate account of the same shall be submitted to the legislature, duly attested by the oath of the officers of said company whenever it shall be required, and the said directors shall make a semi-annual dividend to each and every stockholder of his proportion of the semi-annual profits, after deducting the expenses of collecting said tolls and of repairing said road and the fixtures thereto appended.

By-laws &amp;c.

Sec. 13. And the said board of directors shall have power to establish such by-laws and regulations as may be necessary for the management of the affairs of said company, and may appoint a secretary and treasurer to the board, and may do all further acts necessary to carry into effect the objects of this incorporation.

Construction

Sec. 14. The said company in the construction of said plank road shall not allow any obstruction or difficulties to prevent or interfere with the travel on said turnpike, nor shall this act be construed in such a manner, as to interfere in any way with the provisions of law now

in force, for keeping said turnpike road in repair until such plank road shall be completed.

Sec. 15. If the said company shall not complete that part of said road which lies between Detroit and Royal Oak tavern, within two years from the passage of this act, and the balance of it within three years from the passage thereof, or if either of the toll gates on said road shall be kept open for the period of <sup>Time of completion.</sup> two months after notice is given that said road is out of repair, agreeably to the provisions of the eleventh section of this act, then, and in either case, the power and privileges granted to said company by this act, shall cease and be null and void.

Sec. 16. This act shall take effect and be in force from and after its passage, and the same may, at any time, be amended or modified by the legislature.

Approved March 11, 1844.

### No. 75.

**AN ACT to amend an act entitled "an act to amend an act entitled an act to incorporate the stockholders of the Michigan Insurance Company of Detroit, approved March seventh, eighteen hundred and thirty-four and for other purposes, approved March ninth, eighteen hundred and forty-three."**

*Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the act entitled "an act to amend an act entitled an act to incorporate the stockholders of the Michigan Insurance Company of Detroit, approved March seventh, eighteen hundred and thirty-four and for other purposes, approved March ninth, eighteen hundred and forty-three," be, and is hereby amended by striking out the words "heirs, executors and administrators" in section four of said act. <sup>Act amend-  
ed.</sup>

*Sec. 2.* The affairs of said institution shall be under the management and supervision of a board of directors to be elected by the stockholders at a general meeting of such stockholders, consisting of not less than three nor more than twelve in number: *Provided,* That no person shall be elected such director unless he is a stockholder of said institution. <sup>Board of  
auditors.</sup>

Approved March 11, 1844.

## No. 76.

**AN ACT to incorporate the Grand Rapids academy.**

Incorporated.

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That from and after the passage of this act, Daniel Ball, John Almy, James Ballard, Francis H. Cumming, Jonathan F. Chubb, Charles Shepard, Samuel F. Butler, Amos Rathbone, and Truman H. Lyon, of the county of Kent, and their successors, be and they are hereby constituted, and declared to be a body corporate and politic, in fact and in name, to be styled "the trustees of the Grand Rapids academy;" that by that name they and their successors shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts of record whatever, and in all manner of suits, actions or complaints whatever; and that they and their successors may have a common seal, and change and alter the same at their pleasure; and that they and their successors, by the name of the trustees of the Grand Rapids academy, shall be in law capable of acquiring and holding, by purchase, gift, grant, devise, bequest or otherwise, and of selling, conveying or leasing, any estate, real, personal, or mixed, for the use of said corporation; for the purposes hereinafter mentioned, and no other, and that no sale of real estate shall be made without the vote of two thirds of all the trustees, and that they and their successors shall have full power to make and enter into contracts to make such rules and by-laws as they may deem necessary for the good government and success of said institution: *Provided,* Such by-laws are not inconsistent with the constitution and laws of the United States or of this state: *And provided further,* That the amount of the property held by such corporation shall not exceed the sum of thirty thousand dollars.

Power.

**Sec. 2.** Said trustees of Grand Rapids academy shall have power to establish at such time and at such place at or near the village of Grand Rapids, in the county of Kent, as they may judge best, an institution for the instruction of youth in the various branches of literature.

**Sec. 3.** That the said Daniel Ball, John Almy, James Ballard, Francis H. Cumming, Jonathan F. Chubb, Charles Shepard, Samuel F. But-

ler, Amos Rathbone, and Truman H. Lyon, shall be trustees of said academy, and have and exercise the power and franchise herein granted, until others be appointed in their places; they and their successors shall have power to fill all vacancies in their own body, which may happen by death or resignation. They shall appoint a president of said academy, who shall ex-officio be president of the board of trustees, and have the power of giving the casting vote in case of an equal division; a majority shall constitute a quorum for the transaction of business, except otherwise determined by the rules and by-laws which may hereafter be adopted by the board. Trustees appointed.

Sec. 4. That at the first meeting of said trustees, they shall divide themselves into three classes of three members each; the term of office of the first class shall terminate at the end of the first year; the term of the office of the second class shall terminate at the end of the second year; and the term of the office of the third class shall terminate at the end of the third year; so that one third of the number of trustees shall be chosen annually. Duty of trustees.

Sec. 5. The board of trustees shall apply all funds in money or otherwise, by them collected, received or acquired, according to their best judgment, in erecting and keeping in repair suitable buildings, supporting the necessary officers and instructors, in procuring books, maps, or other articles necessary to insure the success of said institution, or in lessening the expense of education at the same, or improving the health of the students belonging thereto. Money.

Sec. 6. Any three of the before mentioned trustees are hereby authorized to call and name the time and place for the first meeting of the board, and this act is hereby declared to be a public act, and copies thereof printed by authority of the state, shall be received as evidence thereof in all courts of this state.

Sec. 7. The legislature shall have the power at any time of amending or repealing this act.

Approved March 11, 1844.

## No. 77.

## AN ACT authorizing the building of a dam across the River Raisin.

Dam.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Alonzo Hickox, his heirs and assigns, be, and they are hereby authorized and empowered to build a dam across the River Raisin, on the north west fraction of section twenty-one, in town seven south, of range five east : *Provided*, That said dam shall not be more than four and a half feet high above common low water mark: *Provided further*, That there shall be constructed and continued on said dam, a good and sufficient apron, at least fourteen feet wide, for the passage of rafts, timber and logs.

Not to claim damages.

Sec. 2. If at any time hereafter the water should be required to be drawn from said river, for the purposes of internal improvement or navigation, it shall not be lawful for said Alonzo Hickox or any person or persons owning said dam, to claim or recover any damages therefor.

Not to flow.

Sec. 3. Nothing herein contained shall be deemed to authorize the entering upon, or flowing of any land without the consent of the owner thereof: And this act may be amended or repealed at any time by the legislature.

Approved March 11, 1844.

## No. 78.

## AN ACT to attach the county of Huron to the county of St. Clair for judicial and other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the county of Huron be and the same is hereby attached to the county of St. Clair for judicial purposes.

Attached.

Sec. 2. The counties of Sanilac and Huron, be and the same are hereby attached to the township of Lexington in said county of St. Clair, for purposes of taxation.

Sec. 3. All acts and parts of acts contravening the provisions of this act, be and they are hereby repealed.

Approved March 11, 1844.



## No. 79.

**AN ACT** authorizing executors and administrators to convey lands in certain cases, under the direction of the courts of Probate; and to permit sales of real estate at less than the full appraised value in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That whenever a deceased person shall have been in his lifetime under contract binding in law or equity, to deed any lands or tenements to any other person, the probate court may, on application for that purpose, and proof of such contract, grant license to the executor or administrator of such deceased person, to convey such lands according to such contract; and if the contract shall be to convey lands to the executor or administrator, the judge of the court shall execute the deed. Who may execute deeds.

Sec. 2. No probate court shall, however, grant the license provided for in the preceding section until notice of the application for that purpose shall have been publically given, under the order of such court, appointing a time and place for the hearing of such application, by publishing the same in such newspaper as the court may direct, for three weeks successively, previous to the time so appointed, and specifying therein the time and place of hearing, nor if it shall appear to the court on the hearing, that the assets in the hands of the executor or administrator will thereby be so reduced as to prejudice any creditor. License.

Sec. 3. In all cases where a deceased person shall, in his lifetime, have held lands, alone or jointly, in trust for any other person, or where lands shall have been set off on any execution to such deceased person or to his executor or administrator, on any debt in the name of such deceased person, but being the proper debt of some other person, and not belonging in any wise to the estate of the deceased person, the probate court may, after notice given as provided in the first section of this act, grant license to the executor or administrator to convey such lands to the person or persons for whose use and benefit they may be holden, and the probate court may decree the execution of any such trust whether created by deed or by law. Lands held by deceased in trust.

Sec. 4. In all cases where any lands or tenements have been con-

**Lands conveyed as security.** conveyed to any person subsequently deceased, jointly with other persons, to secure or indemnify them against any liability as sureties, and the surviving surety or sureties shall have paid the whole debt, then, upon application and notice as herein before provided, and upon releasing the estate of the deceased person from all claim in respect of such debt, the judge of probate may direct the executor or administrator of such deceased person to execute to the surviving surety or sureties a release of all the right, title and interest which the said deceased person in his lifetime had in and to the said lands and tenements.

Sec. 5. All deeds or conveyances executed according to the provisions of this act, shall be as valid and effectual for the purposes therein intended, as if executed by the person or persons so deceased in their lifetime.

**Proceed'g.** Sec. 6. Whenever an administrator or executor has not been or may not be able to sell the real estate of the deceased, pursuant to license duly granted in that behalf, at the full appraised value as now required by law, and an adjournment has been or may be duly made, upon application of such executor or administrator under oath showing the fact, and that a faithful endeavor has been made to procure such appraised value, the court by whom such license was granted, may, in his discretion, grant an order permitting such real estate to be sold on such an adjourned day, or at such other time or times as the same may be regularly adjourned to, to the highest bidder, which highest bid shall, however be at least one half of said appraised value: *Provided however*, That prior to such sale, the said executor or administrator shall take and subscribe an oath that he has no sinister views in the premises, and that he will faithfully endeavor to procure the highest price for said real estate at such sale. And upon said sale the purchaser shall be entitled to a deed, in the manner now provided by law.

**Proceed'g.** Sec. 7. Where property of which partition is sought, or any part thereof, cannot be divided without prejudice to the owners, and a sale thereof shall be deemed necessary or proper, and a sale thereof cannot be effected at the time fixed for that purpose at the full appraised value, as now required by law, the said sale may be adjourned, and upon application under oath by the person or persons to whom the sale was entrusted, showing that it could not be made for said apprais

ed value, and upon deeming it best, the court who granted the order of sale may thereupon grant a further order permitting such real estate to be sold on such adjourned day, or at such other time or times as the same may be duly adjourned to, to the highest bidder, but which highest bid shall be at least one half such appraised value: *Provided however*, That before such sale the person or persons making the same, shall take and file with the court a like oath to that required of an executor or administrator in the preceding section.

Sec. 8. That the court in which proceedings for the partition of lands may be pending, shall have power to award a division and severance of the interest of the defendants, or any of them in said lands, in the same manner as it may award a division of the interest of the petitioner, and whenever the joint tenancy in common, of any defendant shall be denied by a co-defendant, and it shall become necessary to determine the same in order to effect a complete and final partition, so far as the rights of the parties are concerned, the court may direct an issue, to be formed on the record, and direct the jury to inquire into, try and determine as well the tenancy of the defendant so denied, as the other issues joined in the pleadings in the cause.

*Courts may order a partition and severance of interest.*

Sec. 9. Nothing contained in this act, or in the act to provide for the equitable settlement of the estates of deceased persons, approved March 8, 1843, shall be so construed as to prevent the sale of so much of the real estate of any deceased person, as may be required to pay and satisfy the necessary costs and charges incurred in the settlement of such estate; but for the purpose of defraying such costs, charges, and taxes, the judge of probate may grant a license of sale to the highest bidder, of sufficient real estate of the deceased, and the same may be sold in conformity with the provisions of law in force previous to the passage of the act aforesaid.

*Constructive of this act.*

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved March 11, 1844.

placed between the city of Detroit and where said road shall be intersected by the Paint Creek road, so called.

Toll.

Sec. 7. As soon as the whole or eight miles of said road shall be completed, and permission as aforesaid granted to erect a gate or gates upon and across the same, it shall and may be lawful for said president and directors to appoint toll gatherers to collect and receive of and from all and every person and persons using said road, at each and every of said whole toll gates, and at each half toll gate in proportion, such tolls and duties, to wit: For every score of hogs or sheep, fifteen cents; for every wagon drawn with two horses, mules or oxen, twelve and a half cents; for every additional horse, mule, or ox, three cents; for every coach, pleasure wagon or pleasure carriage drawn by two horses, twelve and a half cents; for every additional horse three cents; for every chaise, sulky, or pleasure carriage drawn by one horse, six and a quarter cents, and for every additional horse, three cents; for every cart drawn by two oxen, nine cents, and for every additional yoke of oxen, four cents; for every horse or mule, rode, led or driven, four cents; for every cart drawn by one horse, six cents; for all sleighs or sleds drawn by one or more horses, mules, or oxen, half the toll for vehicles on wheels; for every horse or mule and rider, six cents. And it shall and may be lawful for any toll gatherer to stop any person riding, leading or driving any horses, cattle or sheep, or article named above in this section, as subject to pay toll, until the same be paid: *Provided, however,* That nothing in this act shall be construed to entitle the said corporation to demand or receive toll at any gate, of or from any person passing to or from public worship on Sundays, or going to or returning from funerals, or going to or from a grist mill, for the grinding of grain for family use; or from any troops in the service of this State or the United States; or for the transportation of any property belonging to the United States or to this State.

Sec. 8. The said corporation shall cause mile stones or posts to be erected and maintained, one for every mile of said road, from Detroit northward to Birmingham, and on each stone or post shall be legibly marked or inserted, the distance the said post is from Detroit and shall also erect and maintain guide boards at the intersection of all public roads leading into or intersecting said plank road, on which

shall be inscribed the name of the place to which such road leads; and if any person shall wilfully cut, injure or destroy said mile post, guide boards or said road itself, or shall forcibly pass the gates without payment of toll, such person or persons shall forfeit and pay for every such offence twenty-five dollars, to be recovered by the said corporation in their corporate name, and for their benefit, in an action of debt, before any justice of the peace of the county where said offence is committed, or where the offender may be found; such offender or offenders shall also be liable to said company for all damages which said company shall sustain by reason of the commission of any wilful injury to said posts, guide boards or to said road.

Sec. 9. If any toll gatherer shall unreasonably detain or hinder any traveller or passenger at either of the said gates, or shall demand or receive more tolls than, by this act is established, he shall, for every such offence forfeit and pay twenty-five dollars, to be recovered <sup>Toll gatherer.</sup> by the person so unreasonably detained, for his own use, with costs of suit, before any justice of the peace in the county where such detention occurred: *Provided*, That if no goods and chattles can be found to satisfy said judgment and costs, then in that case the personal property of said company shall be liable to execution issued on said judgment, and the same may be taken on such execution in the same manner as if said execution was against said company in its corporate name.

Sec. 10. The shares of said plank road shall be deemed and considered to be personal property, and shall be transferable in such <sup>Shares.</sup> manner as the president and directors may direct.

Sec. 11. Whenever complaint shall be made to either of the three commissioners appointed in pursuance of the provisions of this act, that any part or parts of said road is out of repair, it shall be the duty of such commissioner to give notice to the other two commissioners who, with him, shall proceed to examine such part or parts of said road, and if the same shall, in the opinion of such commissioners, be out of repair, then the said commissioners shall give notice in writing of such defect, to the toll gatherer or person attending the gate nearest the place so out of repair, and may also, in their discretion, in the said notice, order such gate or gates to be thrown open, and the said gate or gates, so ordered to be thrown open, shall after service of such notice as aforesaid, be open and remain open; and no tolls shall be demanded until after said road is put in complete repair; and if such keeper of the gate shall not immediately, after the receipt <sup>When road is out of repair.</sup>

of said notice, open the gate, and keep the same open until such repairs are completed, or shall hinder or detain any person or persons in passing said gates, or shall take or demand any toll from any person or persons, after receiving such notice and until such repairs are completed as aforesaid, the toll gatherer or gate keeper, so detaining any person as aforesaid, shall forfeit and pay to the said person so detained as aforesaid, the sum of twenty-five dollars for each and every offence, to be recovered in an action of debt before any justice of the peace in any county where said detention occurs, and the property of said company shall be liable on said judgment, and the same may be taken in any execution issued thereon in the same manner as if the same were against said company in its corporate name; and the said commissioners appointed under and by virtue of this act, shall receive, as a compensation for their services one dollar and fifty cents per day for every day they are employed, to be paid by the toll gatherer nearest to where the service was rendered, out of the moneys collected at such places; and in default of such payment, said toll gatherer and the stockholders of said company shall, individually, be liable to said commissioners.

Books.

Sec. 12. The said board of directors shall keep a set of corporate books, open at all times to any or all of the stockholders, in which shall be entered the cost of the construction of said road and fixtures, and also the expenditures of said company, and all moneys by them received, and an accurate account of the same shall be submitted to the legislature, duly attested by the oath of the officers of said company whenever it shall be required, and the said directors shall make a semi-annual dividend to each and every stockholder of his proportion of the semi-annual profits, after deducting the expenses of collecting said tolls and of repairing said road and the fixtures thereto appended.

By-laws &amp;c:

Sec. 13. And the said board of directors shall have power to establish such by-laws and regulations as may be necessary for the management of the affairs of said company, and may appoint a secretary and treasurer to the board, and may do all further acts necessary to carry into effect the objects of this incorporation.

Construct:

Sec. 14. The said company in the construction of said plank road shall not allow any obstruction or difficulties to prevent or interfere with the travel on said turnpike, nor shall this act be construed in such a manner, as to interfere in any way with the provisions of law now

in force, for keeping said turnpike road in repair until such plank road shall be completed.

Sec. 15. If the said company shall not complete that part of said road which lies between Detroit and Royal Oak tavern, within two years from the passage of this act, and the balance of it within three years from the passage thereof, or if either of the toll gates on said road shall be kept open for the period of two months after notice is given that said road is out of repair, agreeably to the provisions of the eleventh section of this act, then, and in either case, the power and privileges granted to said company by this act, shall cease and be null and void. Time of completion.

Sec. 16. This act shall take effect and be in force from and after its passage, and the same may, at any time, be amended or modified by the legislature.

Approved March 11, 1844.

### No. 75.

**AN ACT** to amend an act entitled "an act to amend an act entitled an act to incorporate the stockholders of the Michigan Insurance Company of Detroit, approved March seventh, eighteen hundred and thirty-four and for other purposes, approved March ninth, eighteen hundred and forty-three."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act entitled "an act to amend an act entitled an act to incorporate the stockholders of the Michigan Insurance Company of Detroit, approved March seventh, eighteen hundred and thirty-four and for other purposes, approved March ninth, eighteen hundred and forty-three," be, and is hereby amended by striking out the words "heirs, executors and administrators" in section four of said act. Act amended.

Sec. 2. The affairs of said institution shall be under the management and supervision of a board of directors to be elected by the stockholders at a general meeting of such stockholders, consisting of not less than three nor more than twelve in number: *Provided*, That no person shall be elected such director unless he is a stockholder of said institution. Board of auditors.

Approved March 11, 1844.

## No. 76.

**AN ACT to incorporate the Grand Rapids academy.**

*Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That from and after the passage of this act, Daniel Ball, John Almy, James Ballard, Francis H. Cumming, Jonathan F. Chubb, Charles Shepard, Samuel F. Butler, Amos Rathbone, and Truman H. Lyon, of the county of Kent, and their successors, be and they are hereby constituted, and declared to be a body corporate and politic, in fact and in name, to be styled "the trustees of the Grand Rapids academy ;" that by that name they and their successors shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts of record whatever, and in all manner of suits, actions or complaints whatever ; and that they and their successors may have a common seal, and change and alter the same at their pleasure ; and that they and their successors, by the name of the trustees of the Grand Rapids academy, shall be in law capable of acquiring and holding, by purchase, gift, grant, devise, bequest or otherwise, and of selling, conveying or leasing, any estate, real, personal, or mixed, for the use of said corporation ; for the purposes hereinafter mentioned, and no other, and that no sale of real estate shall be made without the vote of two thirds of all the trustees, and that they and their successors shall have full power to make and enter into contracts to make such rules and by-laws as they may deem necessary for the good government and success of said institution : *Provided*, Such by-laws are not inconsistent with the constitution and laws of the United States or of this state: *And provided further*, That the amount of the property held by such corporation shall not exceed the sum of thirty thousand dollars.*

*Sec. 2. Said trustees of Grand Rapids academy shall have power to establish at such time and at such place at or near the village of Grand Rapids, in the county of Kent, as they may judge best, an institution for the instruction of youth in the various branches of literature.*

*Sec. 3. That the said Daniel Ball, John Almy, James Ballard, Francis H. Cumming, Jonathan F. Chubb, Charles Shepard, Samuel F. But-*

*Incorporated.*

*Power.*



ler, Amos Rathbone, and Truman H. Lyon, shall be trustees of said academy, and have and exercise the power and franchise herein granted, until others be appointed in their places; they and their successors shall have power to fill all vacancies in their own body, which may happen by death or resignation. They shall appoint a president of said academy, who shall ex-officio be president of the board of trustees, and have the power of giving the casting vote in case of an equal division; a majority shall constitute a quorum for the transaction of business, except otherwise determined by the rules and by-laws which may hereafter be adopted by the board. Trustees appointed.

Sec. 4. That at the first meeting of said trustees, they shall divide themselves into three classes of three members each; the term of office of the first class shall terminate at the end of the first year; the term of the office of the second class shall terminate at the end of the second year; and the term of the office of the third class shall terminate at the end of the third year; so that one third of the number of trustees shall be chosen annually. Duty of trustees.

Sec. 5. The board of trustees shall apply all funds in money or otherwise, by them collected, received or acquired, according to their best judgment, in erecting and keeping in repair suitable buildings, supporting the necessary officers and instructors, in procuring books, maps, or other articles necessary to insure the success of said institution, or in lessening the expense of education at the same, or improving the health of the students belonging thereto. Money.

Sec. 6. Any three of the before mentioned trustees are hereby authorized to call and name the time and place for the first meeting of the board, and this act is hereby declared to be a public act, and copies thereof printed by authority of the state, shall be received as evidence thereof in all courts of this state.

Sec. 7. The legislature shall have the power at any time of amending or repealing this act.

Approved March 11, 1844.

## No. 77.

## AN ACT authorizing the building of a dam across the River Raisin.

Dam.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Alonzo Hickox, his heirs and assigns, be, and they are hereby authorized and empowered to build a dam across the River Raisin, on the north west fraction of section twenty-one, in town seven south, of range five east : *Provided*, That said dam shall not be more than four and a half feet high above common low water mark: *Provided further*, That there shall be constructed and continued on said dam, a good and sufficient apron, at least fourteen feet wide, for the passage of rafts, timber and logs.

Not to claim damages.

Sec. 2. If at any time hereafter the water should be required to be drawn from said river, for the purposes of internal improvement or navigation, it shall not be lawful for said Alonzo Hickox or any person or persons owning said dam, to claim or recover any damages therefor.

Not to flow.

Sec. 3. Nothing herein contained shall be deemed to authorize the entering upon, or flowing of any land without the consent of the owner thereof: And this act may be amended or repealed at any time by the legislature.

Approved March 11, 1844.

## No. 78.

## AN ACT to attach the county of Huron to the county of St. Clair for judicial and other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the county of Huron be and the same is hereby attached to the county of St. Clair for judicial purposes.

Attached.

Sec. 2. The counties of Sanilac and Huron, be and the same are hereby attached to the township of Lexington in said county of St. Clair, for purposes of taxation.

Sec. 3. All acts and parts of acts contravening the provisions of this act, be and they are hereby repealed.

Approved March 11, 1844.

No. 79.

**AN ACT** authorizing executors and administrators to convey lands in certain cases, under the direction of the courts of Probate; and to permit sales of real estate at less than the full appraised value in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That whenever a deceased person shall have been in his lifetime under contract binding in law or equity, to deed any lands or tenements to any other person, the probate court may, on application for that purpose, and proof of such contract, grant license to the executor or administrator of such deceased person, to convey such lands according to such contract; and if the contract shall be to convey lands to the executor or administrator, the judge of the court shall execute the deed. <sup>Who may execute deeds.</sup>

Sec. 2. No probate court shall, however, grant the license provided for in the preceding section until notice of the application for that purpose shall have been publically given, under the order of such court, appointing a time and place for the hearing of such application, by publishing the same in such newspaper as the court may direct, for three weeks successively, previous to the time so appointed, and specifying therein the time and place of hearing, nor if it shall appear to the court on the hearing, that the assets in the hands of the executor or administrator will thereby be so reduced as to prejudice any creditor. <sup>License.</sup>

Sec. 3. In all cases where a deceased person shall, in his lifetime, have held lands, alone or jointly, in trust for any other person, or where lands shall have been set off on any execution to such deceased person or to his executor or administrator, on any debt in the name of such deceased person, but being the proper debt of some other person, and not belonging in any wise to the estate of the deceased person, the probate court may, after notice given as provided in the first section of this act, grant license to the executor or administrator to convey such lands to the person or persons for whose use and benefit they may be holden, and the probate court may decree the execution of any such trust whether created by deed or by law. <sup>Lands held by deceased in trust.</sup>

Sec. 4. In all cases where any lands or tenements have been con-

**Lands conveyed as security.** conveyed to any person subsequently deceased, jointly with other persons, to secure or indemnify them against any liability as sureties, and the surviving surety or sureties shall have paid the whole debt, then, upon application and notice as herein before provided, and upon releasing the estate of the deceased person from all claim in respect of such debt, the judge of probate may direct the executor or administrator of such deceased person to execute to the surviving surety or sureties a release of all the right, title and interest which the said deceased person in his lifetime had in and to the said lands and tenements.

Sec. 5. All deeds or conveyances executed according to the provisions of this act, shall be as valid and effectual for the purposes therein intended, as if executed by the person or persons so deceased in their lifetime.

**Proceedings.** Sec. 6. Whenever an administrator or executor has not been or may not be able to sell the real estate of the deceased, pursuant to license duly granted in that behalf, at the full appraised value as now required by law, and an adjournment has been or may be duly made, upon application of such executor or administrator under oath showing the fact, and that a faithful endeavor has been made to procure such appraised value, the court by whom such license was granted, may, in his discretion, grant an order permitting such real estate to be sold on such an adjourned day, or at such other time or times as the same may be regularly adjourned to, to the highest bidder, which highest bid shall, however be at least one half of said appraised value: *Provided however,* That prior to such sale, the said executor or administrator shall take and subscribe an oath that he has no sinister views in the premises, and that he will faithfully endeavor to procure the highest price for said real estate at such sale. And upon said sale the purchaser shall be entitled to a deed, in the manner now provided by law.

**Proceedings.** Sec. 7. Where property of which partition is sought, or any part thereof, cannot be divided without prejudice to the owners, and a sale thereof shall be deemed necessary or proper, and a sale thereof cannot be effected at the time fixed for that purpose at the full appraised value, as now required by law, the said sale may be adjourned, and upon application under oath by the person or persons to whom the sale was entrusted, showing that it could not be made for said apprais

ed value, and upon deeming it best, the court who granted the order of sale may thereupon grant a further order permitting such real estate to be sold on such adjourned day, or at such other time or times as the same may be duly adjourned to, to the highest bidder, but which highest bid shall be at least one half such appraised value: *Provided however*, That before such sale the person or persons making the same, shall take and file with the court a like oath to that required of an executor or administrator in the preceding section.

Sec. 8. That the court in which proceedings for the partition of lands may be pending, shall have power to award a division and severance of the interest of the defendants, or any of them in said lands, in the same manner as it may award a division of the interest of the petitioner, and whenever the joint tenancy in common, of any defendant shall be denied by a co-defendant, and it shall become necessary to determine the same in order to effect a complete and final partition, so far as the rights of the parties are concerned, the court may direct an issue, to be formed on the record, and direct the jury to inquire into, try and determine as well the tenancy of the defendant so denied, as the other issues joined in the pleadings in the cause.

*Courts may order a partition and severance of interest.*

Sec. 9. Nothing contained in this act, or in the act to provide for the equitable settlement of the estates of deceased persons, approved March 8, 1843, shall be so construed as to prevent the sale of so much of the real estate of any deceased person, as may be required to pay and satisfy the necessary costs and charges incurred in the settlement of such estate; but for the purpose of defraying such costs, charges, and taxes, the judge of probate may grant a license of sale to the highest bidder, of sufficient real estate of the deceased, and the same may be sold in conformity with the provisions of law in force previous to the passage of the act aforesaid.

*Constructive of this act.*

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved March 11, 1844.

## No. 80.

AN ACT supplementary to an act entitled "an act to alter, lay out and establish certain state roads therein mentioned," approved March 9, 1843.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That an act entitled "an act to alter lay out and establish certain state roads therein mentioned," approved March 9, 1843. is hereby so amended, that the supervisor of the township of Harrison, Macomb county, be, and he is hereby authorized upon the request of either of the commissioners who laid out the state road running from Jefferson Avenue, in Wayne county, to Mt. Clemens, in Macomb county, to summon by citation in writing, six freeholders, to assess the damages to any farm of land through which said road may be laid in the township of Harrison, in Macomb county: *Provided*, Said appraisers shall in no way be interested in any farm of land they may be summoned to appraise, or of kin to the party who owns the said farm to be appraised by virtue of this act.

Supervisor  
authorized  
to summon  
freeholders.

Damages.

Sec. 2. The damages to any farm of land to be appraised as aforesaid, shall be deemed a lawful charge against the township of Harrison, and shall be assessed and levied as other township charges and expenses are now by law levied and collected.

Sec. 3. That David Shook of Macomb county, be, and he is hereby appointed one of the commissioners to open said road, in the place of John Stockton.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 11, 1844.

## No. 81.

AN ACT to amend an act granting to certain debtors to the State the privilege of paying the State in State Bonds, &c, approved February 11, 1842.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Auditor General of the state be authorized and required to sell, assign and transfer to Alfred Wil-

liams and such other person or persons as he may associate with him for the purchase of the same, the mortgage of the Detroit and Pontiac rail road company to the Auditor General, upon the Detroit and Pontiac rail road, on their tendering to him in consideration therefor, at any time within six months after the eleventh day of February, in the year eighteen hundred and forty-six, the amount which may be due on said mortgage in the same liabilities of this state, in which the said Detroit and Pontiac Railroad Company are granted the privilege of discharging said mortgage by the act to which this act is amendatory : *Provided*, The said Detroit and Pontiac Railroad Company shall not have previously paid and discharged said mortgage.

Privilege  
granted to  
buy mort-  
gage.

Approved March 11, 1844.

### No. 82.

#### AN ACT making an appropriation for the payment of extra expenses incurred by the Adjutant General.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there be, and is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of two hundred dollars for the payment of extra expenditures of the Adjutant General, in procuring an adjustment of accounts with the General Government, by which the legal quota of arms due this state were obtained.

Appropriation.

Sec. 2. This act shall take effect from and after its passage.

Approved March 11, 1844.

### No. 83.

#### AN ACT for the relief of the University of Michigan:

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That upon the regents of the university of the state of Michigan, conveying to the state by deed all their interest in the lot of ground and building thereon, situated, and being in the city of Detroit, and known as the female seminary lot, bounded southerly on Fort street, westerly on Griswold street, northerly on Michigan avenue, and eastwardly by land on which the bail-

Deeded to  
state by  
bond.

ding of the depot of the Central railroad are situated, the treasurer of the state shall credit the said regents with eight thousand and ninety-five dollars, as so much money paid by them to the state, on the principal of the "Michigan University State Stock," issued for the benefit of the university under an act entitled "an act to authorize a loan of a certain sum of money to the university of Michigan," approved April 6, 1838.

Int. Imp.  
warrants.

Sec. 2. All internal improvement fund warrants heretofore received by the regents of the university in payment of any debt due them or hereafter received by them in payment of any debt or for property sold by them, not exceeding in the whole, seven thousand dollars, shall be received and credited in manner aforesaid by the State Treasurer, whenever the same shall be paid over to the said treasurer by the regents.

S. Treasurer  
to credit  
regents.

Sec. 3. The State Treasurer shall also credit the regents, in manner aforesaid, on the passage of this act, with the amount of state scrip now in the treasury, and received in payment of university lands, and he shall also, at the same time, credit the university interest fund with interest on said sum so credited as principal, from the time it was received in the treasury, up to the time of giving the aforesaid credit.

To prepare  
sums.

Sec. 4. The State Treasurer is hereby authorized and directed to cause suitable rooms to be prepared in the building upon said premises, for the offices of the Auditor General, and State Treasurer, and a session room for the supreme court and court of chancery.

Sums credited,  
&c.

Sec. 5. All sums credited to the regents under this act, except the credit to be given to the university interest fund, shall be deemed and taken to be a part of the one hundred thousand dollars internal improvement warrants, and state indebtedness authorized to be received in payment of university lands, by an act entitled "an act authorizing the receipt of the obligations of this state in payment of university lands," and said last mentioned act shall not be construed to authorize the receipt of internal improvement warrants in payment of any university lands hereafter forfeited for non-payment of principal or interest.

Sec. 6. The several amounts credited to the university interest fund in pursuance of this act, shall be balanced by a transfer of the like amounts from the sinking fund.

Sec. 7. This act shall take effect from its passage.

Approved March 11, 1844.



## No. 84.

AN ACT to provide more effectually for the completion and disposition of fines, penalties and forfeitures of recognizances.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That when any fine or penalty shall be imposed by any court of record in this state, upon any grand or petit juror, or upon any constable or other officer of such court or upon any other person or persons, for any cause whatsoever, without being accompanied by an order for the immediate commitment of such person or persons, until such fine or penalty be paid, it shall be the duty of the clerk of such court to immediately deliver a copy of <sup>Duty of co. clerk.</sup> the order imposing such fine or penalty to the prosecuting attorney of the county in which such court shall be sitting at the time of imposing such fine or penalty.

Sec. 2. The prosecuting attorney shall, immediately after the adjournment of such court, issue process under his hand and seal, directed to the sheriff of the county in which the court was held, commanding him to collect of the several persons named in the schedule annexed to such process, the several sums affixed to their names respectively in such schedule, and to pay over the same immediately after the collection thereof, to the treasurer of the county in which the same is so collected. <sup>Duty of prosecuting attorney.</sup>

Sec. 3. To such process shall be annexed a schedule, containing in separate columns; 1st, the names of the persons upon whom such fines or penalties were imposed; 2nd, their respective places of residence; 3rd, the amount of the fine or penalty imposed on each; 4th the cause of such fine or penalty being imposed. Which schedule shall be certified by the prosecuting attorney issuing such process to contain a true abstract of the orders imposing such fine or penalty delivered to him by the clerk. <sup>Schedule annexed.</sup>

Sec. 4. The sheriff to whom such process shall be directed and delivered, shall proceed immediately to collect the amount of such fines or penalties respectively, of the several persons named in such schedule by a levy and sale of the personal property of such persons in the manner provided by law, in the service of executions against property in civil cases, and shall be entitled to collect the same fees; and <sup>Duty of sheriff.</sup>

in case sufficient personal property cannot be found to raise such amount such sheriff shall take the body of the person and him detain in custody until he shall pay such sum or other otherwise be discharged by due course of law. And such sheriff shall be entitled for his service in so doing to the like fees, as on execution against the body in civil cases.

Process re-  
turned.

Sec. 5. Every sheriff to whom any such process shall be directed and delivered, shall return the same together with his doings thereon to then next term of the circuit court held in and for the county in which such sheriff resides, and such return may be compelled by such circuit court, in the same manner as on process in civil cases.

New pro-  
cess to be is-  
sued.

Sec. 6. If it shall appear by the return of any sheriff on any such process, that any fine or penalty named in such schedule annexed thereto, has not been collected, the prosecuting attorney shall issue new process for the collection thereof, similar in all respects to the first therein directed; and such process may be issued from time to time until such fines or penalties shall be collected, and the same proceedings in all respects shall be had thereon as herein provided.

Officers to  
pay over  
fines.

Sec. 7. All sheriffs, county clerks, or other officers or persons, who now have in their hands or may hereafter collect, or receive, any money, on fines or penalties imposed upon any person or persons, in any court of record in this state, or upon any recognizances in criminal proceedings, shall immediately pay over the same to the treasurer of the county where such fine or penalty was so imposed, which treasurer shall give his official receipt to such officer or person paying the same for the amount so paid.

Justices,  
constables,  
&c. to pay  
over fines.

Sec. 8. All justices of the peace, constables, marshals and other officers or persons, who have now in their hands, or may hereafter collect or receive any money on fines or penalties imposed upon any person or persons, by any justice of the peace, court of special sessions, or court martial in this state, shall immediately pay over the same, to the treasurer of the county where such fine or penalty was so imposed, which treasurer shall give his official receipt to such officer or person paying the same, for the amount so paid.

Sec. 9. All money collected, or received on fines or penalties, or upon any recognizances in criminal proceedings, and paid to any county treasurer of this state, as herein provided, shall by such coun-

ty treasurer, on or before the first day of March, in each and every year, be divided according to the number of organized townships in the county where such treasurer officially belongs, and an equal share thereof shall be paid over by such treasurer to the chairman of the board of school inspectors in each of such organized townships, who shall give his official receipt to the treasurer for the amount so paid. Fines to be divided.

Sec. 10. All money paid over to, and received by, the chairman of the board of school inspectors in any township in this state, shall be by such chairman appropriated to the purchase of such books and the necessary appendages for a township library, as a majority of the board of inspectors may direct; which library when established, shall be kept a township library, exclusively for the use of the inhabitants of the township, and shall be under such rules and regulations as the board of inspectors may from time to time deem necessary and proper to make for the protection and preservation of the books, and to secure such inhabitants in an equal and just use of the same. Appropriation.

Sec. 11. If any public officer, or other individual, having collected or received any money or funds of any kind whatsoever, on any fines or penalties contemplated by the provisions of this act, shall neglect or refuse to pay over such money or funds, so collected or received, on demand, to the proper county treasurer, such officer or individual so neglecting or refusing, shall forfeit and pay double the amount of such money or funds, which may be sued for and recovered, by action of debt in the name of the county treasurer, before any court having cognizance thereof, which amount so forfeited, when collected shall be divided and paid over by such treasurer as hereinbefore mentioned. Penalty.

Sec. 12. Any officer who shall hereafter collect or receive any money or funds of any kind on fines, penalties or recognizances, and shall convert such money or funds so collected, to his own use, or shall refuse to pay over the same as hereinbefore provided, shall be deemed guilty of embezzlement, and on conviction thereof shall be punished by imprisonment in the state prison for a term not more than three years, or by fine not more than two thousand dollars. Penalty.

Sec. 13. If any county treasurer, having received any money or funds of any kind, or fines, penalties, or recognizances, pursuant to the provisions of this act, shall convert such money or funds so re-

Penalty.

ceived to his own use, or shall refuse to divide and pay over the same as herein-before provided, such county treasurer shall be deemed guilty of embezzlement, and on conviction thereof, shall be punished by imprisonment in the state prison not more than three years, or by fine not more than two thousand dollars, and shall also be liable in a civil suit for the amount of money or funds so converted or detained, which suit may be prosecuted by an action of debt in the name of the county in which such treasurer officially belongs, and before any court having cognizance thereof. The amount of such money or funds when so recovered shall be divided and paid over to the chairman of the several boards of school inspectors in the several townships by the officer collecting the same.

Duty of prosecuting attorney.

Sec. 14. It shall be the duty of the prosecuting attorneys in this state, to see that this act is carried into effect in their respective counties, and to bring and prosecute any suit which may be proper and necessary to accomplish the same.

Sec. 15. All acts or parts of acts heretofore passed, contravening or in any way contradicting any of the provisions of this act, be, and the same are hereby repealed.

Approved March 12, 1844.

### No 85.

## AN ACT to establish a board of County Auditors for Wayne county, and for other purposes.

Board of auditors.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there shall be a board of county auditors for the county of Wayne, composed of three persons, who shall be elected at the general election in November next, and shall severally hold their office for three years, except as provided in the following section: *Provided,* That not more than one auditor shall be elected in the same township, village or city in said county.

Sec. 2. The county auditors who shall be chosen at the first election after the passage of this act, shall meet at the office of the county clerk of said county of Wayne, on some day to be appointed by the clerk, of which notice shall be given to the auditors elect, not

being less than six, nor more than fifteen days after the county canvassers shall have determined the result of said election, and being so assembled, the clerk shall cause to be written on separate pieces of <sup>How chosen.</sup> paper, as nearly alike as may be, the numbers "one," "two" and "three," one of such numbers being on each piece of paper, and shall cause them to be rolled up and deposited in a box, and the said auditors shall each draw from such box one of the said pieces of paper, and each of said auditors shall hold his office for one, two and three years respectively, according to the number so drawn by him. The county clerk shall be ex-officio clerk of said board of county auditors, and make a record of said drawing in his office, stating therein the term of service of each auditor. <sup>Clerk of board.</sup>

Sec. 3. The county auditors shall meet at the office of the county clerk, on some day to be appointed by the clerk, not less than six nor more than fifteen days after the annual election in November <sup>To meet & to take oath.</sup> of each year, and severally take and subscribe the oath of office required by the twelfth article of the constitution, and shall deposit the same with the county clerk. \* They shall organize by choosing one of their number chairman of the board, who shall preside at such meeting, and all meetings during the year, and in case of his absence at any meeting, the members present shall choose one of their number as temporary chairman.

Sec. 4. The county auditors when so qualified and the board organized as provided in section three, may enter immediately upon the duties of their office, with power to adjourn from time to time, or hold special meetings at such times and places, public notice being given, as a majority of them may deem proper, but their annual meetings shall be held at the clerk's office on the first Monday of October in each year. <sup>Meetings,</sup>

Sec. 5. The said board of auditors shall be invested with the same powers and shall perform the same duties which were by part first, <sup>Powers.</sup> of title three, chapter three of the revised statutes, imposed upon the board of county commissioners, or by any subsequent act upon said commissioners, or upon the board of supervisors: *Provided*, That nothing herein contained shall be construed to take from the supervisors of the several townships of Wayne county, any of their powers and duties as township officers, or as a county board of supervi-

sors, to meet and equalize their assessments or apportioning the amount of state and county taxes to the several townships, and making out the tax lists, attaching their warrants to and delivering the same to the respective township treasurers.

State and  
county tax.

Sec. 6. The board of county auditors shall determine, and by their clerk report to the board of supervisors, on or before their meeting to apportion the amount of state and county tax to be raised in each and every year upon the taxable property of said county.

Appeals.

Sec. 7. All appeals taken from the determination of commissioners of highways in the several townships of Wayne county, shall be made to and decided by the said board of county auditors.

May appeal  
to circuit  
court.

Sec. 8. Any person conceiving himself aggrieved by the determination of the board of auditors, upon any demand presented by him against the county of Wayne, may appeal to the circuit court of said county, by serving a notice of such appeal upon the chairman of the board of auditors, within ten days after the action to be appealed from, and filing a good and sufficient bond with one or more sureties, to the satisfaction of the clerk, in the office of said clerk, for the payment of all costs which may be incurred in the prosecution of his appeal to said court.

No fees.

Sec. 9. No fees shall be charged against the appellant on the decision of appeals taken from the action of said county auditors for retainer or judgment: And in no case of appeal taken from the determination of the board of county auditors of Wayne county, or of the board of supervisors of any county of this state, shall any costs be taxable against the county.

Compensation.

Sec. 10. The county auditors shall be entitled to receive one dollar and fifty cents per day for their services as a board of auditors, and six cents for every mile travelled from their respective place of residence, to the place of meeting, which shall be audited by the associate judge of the circuit court of Wayne county.

Duties.

Sec. 11. The said board of county auditors shall audit, and by their clerk give certificates of the amounts due to the several supervisors of Wayne county, for their services as a board of supervisors, in equalizing their assessments, making out tax rolls and extending the taxes, annexing their warrants, &c., at the same rates as were provided by law for compensation of supervisors.

Sec. 12. All parts of acts contravening the provisions of this act, be, and the same are hereby repealed.

Approved March 11, 1844.

No. 86.

AN ACT to incorporate the Troy and Rochester Railroad Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan.* That Almon Mack, Seneca Newberry, Samuel Axford, John F. Hamlin, Hiram Smith, Edward W. Peck and Orange J. Niles be and they are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Troy and Rochester railroad company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the times and places of taking such subscriptions.

Sec. 2. The capital stock of said company shall be one hundred thousand dollars in shares of fifty dollars each; and as soon as three hundred shares of said stock shall be subscribed, the subscribers thereto with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby created a body corporate and politic by the name and style of the Troy and Rochester railroad company with perpetual succession; and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real or personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned and no further, and in their corporate name may sue and be sued, may have a common seal which they may alter and renew at pleasure, and shall have, enjoy, and may exercise all the powers, rights, and privileges which appertain to corporate bodies, for the purposes mentioned in this act.

Sec. 3. Said company hereby created shall have power to construct a railroad with a double or single track from Rochester, in the county of Oakland, running southerly until it shall intersect the Detroit

## LAWS OF MICHIGAN.

and Pontiac railroad at some suitable or convenient point, and to connect with and use the said Detroit and Pontiac railroad or any part thereof according to the provisions of the twenty-fourth section of an act incorporating the said Detroit and Pontiac railroad and with power to take, transport, and carry property, and persons upon the said Detroit and Pontiac railroad or any part thereof, and upon the railroad herein authorized to be constructed by the power and force of steam, or of animals or of any combination of them.

To construct  
said road.

Sec. 4. If said corporation shall not within two years after the passage of this act, commence the construction of the said road and, shall not within four years from the passage of this act, construct, finish and put in operation the whole of said railroad, then the rights, privileges and powers of the said corporation shall be null and void as far as it regards such part of said road as shall not be finished within the periods limited by this act.

Share.

Sec. 5. Whenever one hundred and fifty shares of the capital stock shall have been subscribed, if within two years from the passage of this act, the commissioners shall call a meeting of the subscribers at such time and place as they may appoint, by giving thirty days public notice of such meeting, and shall lay the books of subscription before the subscribers then present, and thereupon the said stockholders or a majority of them shall elect seven directors by ballot, a majority of whom shall be competent to manage the affairs of the said company; and said directors are empowered to elect one of their number president, and on all occasions when a vote of the stockholders is to be taken, each and every share shall entitle the holders thereof to one vote, either by himself in person, or by proxy.

Directors  
chosen.

Sec. 6. To continue the succession of president and directors of said company, seven directors shall be chosen annually on the first Monday in October at such place as may be appointed by the directors; and if any vacancy shall occur by death, resignation or otherwise, of any president or director, before the year for which he was elected shall have expired, such vacancy for the remainder of the year may be filled by the directors of said company or a majority of them, the directors of said company shall hold their office until a new election of president and directors. All elections which are by this act, or by the by-laws of this company to be made on any particular day.



be made at any time within sixty days thereafter, notice of such meeting being given as prescribed in the preceding section.

Sec. 7. A general meeting of the stockholders of said company <sup>Meeting.</sup> shall be held annually at the time and place appointed for the election of president and directors; and a meeting may be called at any time during the interval between the said annual meetings, by the president and directors, or by the stockholders, owning not less than one fourth of the whole stock by giving thirty days notice of the time and place of meeting; and when any such meeting is called by the stockholders the particular object of such call shall be stated; and if at any meeting thus called, a majority in value of the stockholders are not present in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business; and if within said three days, stockholders having a majority of the stock do not attend such meeting then the said meeting shall be dissolved.

Sec. 8. At a regular annual meeting of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year to exhibit a clear and distinct statement of the <sup>Duty of president and directors..</sup> affairs of the company; and at any meeting of the stockholders, a majority of those present, or by proxy, may require similar statements from the president and directors whose duty it shall be to furnish them when thus required; and at all general meetings of the stockholders, a majority in value of all the stockholders in said company, may remove from office any president, or any of the directors of said company and elect others in their stead: *Provided*, Notice of such intended removal has been given as required by the seventh section.

Sec. 9. Every president and director of said company, before he acts as such, shall swear or affirm, that he will well and truly discharge the duties of his office, to the best of his skill and judgment.

Sec. 10. The said president and directors, or a majority of them <sup>Power, &c.</sup> shall have power to appoint, contract with, and determine the compensation of all such officers, engineers, agents and servants whatsoever, as they may deem necessary for the transaction of the business of the company, and remove them at pleasure; and the said president and directors, or a majority of them, shall have power to determine the manner of adjusting and settling accounts against the company; also, the manner and evidence of the transfers of the stock in the said

company ; and they shall have power to pass all the by-laws which they may deem necessary for carrying into execution all the power vested in the company hereby incorporated: *Provided*, Such by-laws shall not be contrary to the constitution or laws of the United States, nor of this state.

Power of  
President &  
directors.

Sec. 11. The president and directors of said company shall be, and they are hereby invested with all the privileges, rights and powers necessary for the location, construction and keeping in repair said railroad, not exceeding one hundred feet in width ; and the said president and directors, or their agents, or those with whom they may contract, for making said road, or any part of it, may enter upon, use, and excavate any land which may be wanted for the site of said railroad, or any other purpose which is necessary in the construction or repair of said road or its works, so soon as the amount of compensation therefor is ascertained and tendered as hereinafter provided.

Power to  
convey  
lands, &c.

Sec. 12. The president and directors of said company may agree with the owner or owners of any land, for earth, timber, gravel, stone or any articles whatsoever, which may be wanted in the construction or repair of said railroad or any of its works, for the purchase or occupation of the same ; and if such materials, (not previously taken or appropriated by the proprietor thereof to any particular use,) as may be necessary for the construction and repair of said railroad, or any of its works, be found on any unimproved land adjoining or near the same, and if the parties cannot agree, or if the owner or owners of any of them be a feme covert, under age, non compos mentis, or out of the county, in which the property wanted may be, application may be made to any justice of the peace of said county, who shall thereupon issue his warrant, directed to the sheriff of said county ; or if the sheriff be interested, to some disinterested person, requiring him to summon twelve free holders in the county, not in any way interested in the matter, or related to the parties, to meet on or near the property or materials to be valued, on a day named in said warrant, not less than five nor more than ten days after issuing the same ; and if, at the same time and place, any of the persons summoned, do not attend, the said sheriff or summoner shall immediately summon as many as may be necessary with the persons in attendance as jurors, to furnish a pannel of twelve jurors ; and from them, each party, his

her, or their agent or attorney, or, if either be not present in person or by agent, the sheriff or summoner for him, her, or them, may strike off three jurors, and the remainder shall act as a jury of inquest of damages ; and before they act as such, the sheriff or summoner shall administer to each of them an oath or affirmation, that <sup>Oath.</sup> they will justly and impartially value the damages which the owner or owners will sustain by the use or occupation of the land, materials or property required by said company ; and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall be sent to the clerk of the county, and by him filed in his office, and shall be confirmed by the circuit court of said county at its next session, if no sufficient cause to the contrary be shown ; and when confirmed, the same shall be recorded by the said clerk at the expense of said company ; but if set aside, said court may direct another inquisition to be taken in the manner above specified. Said inquisition shall describe the property taken on the bounds of land required by said company. Such valuation when paid or tendered to the owner <sup>Valuation.</sup> or owners of said property, his, her, or their legal representatives, shall entitle said company to the estate and interest in the same, thus valued, as fully as if it had been conveyed by the owner or owners of the same, for such term of time as said company shall occupy the same as a railroad. And if the valuation be not received when tendered, it may at any time thereafter be received from the company without cost ; and the sheriff or summoner, and jurors shall be allowed the ordinary fees for like services to be taxed by the court : <sup>Fees.</sup> *Provided,* That the said company shall not have power to take the land of any person for the purposes of said corporation, until full payment shall have been made or tendered to such person, for all damages assessed to him together with the costs of said inquisition or assessment.

Sec. 13. Whenever in the construction of said road it shall be necessary to cross or intersect any established road, it shall be the duty <sup>Construct road.</sup> of said president and directors, so to construct the said railroad across such established road as not to impede the passage or transportation of persons along the same ; or when it shall be necessary to construct it through the land of any individual, it shall be their duty to provide for such individual proper wagon ways across said road from one part of his land to another.

Damages.

Sec. 14. If said company shall neglect to provide proper wagon ways across said road as required by this act, it shall be lawful for any individual to sue said company, and he shall be entitled to such damages as a court or jury may think him or her entitled to for such neglect or refusal on the part of said company.

Contracts.

Sec. 15. If it shall be necessary for said railroad company in the selection of the route or construction of said road to be by them laid out and constructed, or any part of it, to connect the same with any turnpike road or bridge made or erected by any incorporated company, or authorized by any law of this state, it shall be lawful for said president and directors to contract with any other corporation for the right to use such road or bridge, or for the transfer of any of the corporate or other rights and privileges of such corporation to the said company hereby incorporated; and every such other corporation, acting under the laws of this state, is hereby authorized to make such contract or transfer by and through the agency of the person authorized by the respective acts of incorporation to exercise their corporate powers, or by any persons who are by any law of this state, entrusted with the management and direction of such turnpike road or bridge, or any of the rights and privileges aforesaid. Every contract or transfer made in pursuance of the power and authority herein granted, when executed by the several parties, under their respective corporate seals, shall vest in the company hereby incorporated, all such rights and privileges, and the right to use and enjoy the same as fully as they are now used and enjoyed by the said corporation in which they are now vested.

Power to purchase materials.

Sec. 16. The said president and directors shall have power to purchase, with the funds of the company, and place on any railroad constructed by them under this act, all machines, wagons, carriages, or vehicles of any description, which they may deem necessary or proper for the purpose of transportation on said railroad, and they shall have power to charge for tolls and transportation such reasonable sums as shall be established by the by-laws of the company hereby incorporated; and it shall not be lawful for any company, or any other person or persons, to transport any passengers, merchandise or property of any description whatever on said road, or any part of it, without the license and permission of said president and direc-

tors of said company ; and the said road with all its improvements, works and profits, all machinery used on said road for transportation are hereby vested in said company incorporated by this act, and their successors forever ; and the shares of the capital stock of said company shall be considered personal property, and shall be transferable agreeably to the by-laws of said company, and subject to be taken on execution agreeably to such laws as are or may hereafter be in force. The right and privilege is hereby reserved to this state or any company hereafter to be incorporated under the authority of this state, to connect with the road hereby provided for, any other railroad leading from the main route to any part or parts of this state : *Provided*, That in forming such connection no injury shall be done to the works of the company hereby incorporated ; and the said company or companies so connecting, may have the free use of said road by paying the ordinary tariff of tolls established for said road ; and this incorporation shall be entitled to the same rights and privileges to any and all roads hereafter connected. The property of the stockholders of said company shall be liable for the payment of all its debts, whenever sufficient property shall not be offered by the directors to satisfy any execution issued against said company.

Sec. 17. The president and directors shall annually, or semi-annually, declare and make such dividend as they may think proper, of the net profits from the resources of said company deducting the necessary current expenses ; and they shall make such dividend among the stockholders of said company in proportion to their respective shares.

To divide  
not pro-  
ceeds.

Sec. 18. If any person or persons shall willfully, knowingly and maliciously remove a stake, alter, deface or injure, in any manner, any bench, stake or fixture set by an engineer, superintendent or other person in the employ of said company ; or by any means injure, impair or destroy any part of the said road constructed by the said company under this act, or any of the necessary works, buildings or machinery of said company, such person or persons so offending shall each of them for every such offence, forfeit and pay to the said company a sum not exceeding five times the amount of damages caused by such offence, which may be recovered, in the name of the company, by an action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed.

Damages.

Sec. 19. This act is hereby declared to be a public act, and copies thereof printed by the authorities of the state, shall be received as evidence thereof.

Carry mail. Sec. 20. Said company shall, at all times if required by the post office department, transport the United States mail upon said road, as often as their cars shall pass the same, not exceeding twice in each day, for such compensation as shall be agreed upon by said company and the said department, not exceeding the average price paid by said department for the transportation of the mail in post coaches, three times per week a like distance, upon the several post roads in this state: *Provided*, Nothing herein contained shall be construed to require any of the vehicles of said company to wait at any office for the change of mail.

Sec. 21. The legislature may at any time alter or amend this act.

Approved March 12, 1844.

### No. 87.

## AN ACT to incorporate the Peninsular Mutual Fire and Marine Insurance Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there shall be established in the city of Detroit, an insurance company to be called the Peninsular mutual fire and marine insurance company.

Corporate and politic. Sec. 2. That all such persons as shall hereafter be stockholders in said company, shall be a body politic and corporate in fact and in name, capable of suing and being sued, pleading and being impleaded, contracting and being contracted with by that name.

Power &c. Sec. 3. The corporation hereby created shall have power and authority to make insurance upon dwelling houses, mills, stores, ware houses and other buildings and upon their contents, against loss or damage by fire, upon ships, steamboats and other vessels, and upon their cargoes against fire and marine risks, upon merchandise, specie bullion, bank bills, household furniture, and all other property whatsoever.

Sec. 4. The capital stock of said company shall be one hundred

thousand dollars to be divided into one thousand shares of one hundred dollars each.

Sec. 5. The stock, property and affairs of said company shall be managed and conducted by fifteen directors, each of whom shall be a stockholder, a citizen of the United States, and resident of this state; they shall elect from their number a president annually, and in their discretion a vice president, they shall hold their offices until others are elected in their stead, nine of whom including the president or vice president shall constitute a quorum for the transaction of business. And at any regular meeting of any board of directors of said company, it shall be competent for any director, not residing within the city of Detroit, to vote upon any question which may arise at such meeting by proxy or attorney duly constituted; and said proxy or attorney shall be a director for the time being. Election,  
&c.

Sec. 6. That subscription books shall be opened, on or before the first Monday in July next, by, and under the superintendence of Benjamin B. Kercheval, Elon Farnsworth, Douglass Houghton, Lansing B. Mizner and Wesley Truesdail, as commissioners, at such time and place as they shall designate, giving due notice thereof in at least two of the newspapers published in this state, for receiving subscriptions to the stock in said company, or applications for insurance in the same. The said books shall continue open, daily, for three weeks, unless the amount of the capital stock shall be sooner subscribed. Subscription  
books open-  
ed.

Sec. 7. That, at the expiration of the said three weeks, the said commissioners, or a majority of them, shall, after they have received applications for stock and insurance in said company, the payments for which, in cash, shall amount to five thousand dollars or upwards, call a meeting of the said stockholders for the election of the aforesaid directors. They shall give thirty days' notice, in two newspapers published in this state, of the said election. To call  
meeting.

Sec. 8. That the directors so elected, or any seven of them, including the president or vice president, shall immediately thereafter, proceed to organize the said company and to transact the business of the same. They shall, at their first meeting for the organization of said company, divide themselves, by lot, into three classes of five each; the term of the first class shall expire at the end of one year;

the term of the second class shall expire at the end of two years; the term of the third class shall expire at the end of three years, and their successors shall hold their offices respectively for three years.

**Vacancies.** The vacancies which may be occasioned by death or other causes, shall be filled by the remaining directors, a plurality of votes constituting a choice, and this section shall not be so construed as to render a director, whose term shall have expired, ineligible as a new director.

**Notice given.**

Sec. 9. That thirty days notice shall be given of each annual election of directors, and of three inspectors to hold the next election, by advertisement published in some paper in the city of Detroit; and if it shall so happen that any election is not held on the day prescribed or designated, the corporation shall not be dissolved, but such election may be held on any subsequent day, thirty days notice being previously given, as before provided, of the time and place of such election.

**Power of president & directors.**

Sec. 10. That the president and directors of said company shall have power and authority in the name and behalf of said company to grant policies of insurance for such term or terms of time and for such premium or consideration, and under such modifications or restrictions as may be agreed upon between the said company and the applicants for such insurance; the policies so granted shall be signed by the president or vice president and countersigned by the secretary, and bear the seal of said company impressed thereon; and all such premiums or considerations shall be paid in cash.

**Have a seal.**

Sec. 11. That the president and directors of said company may adopt a common seal and the same change or alter at pleasure, and may enact such rules and by-laws for the government of their business as they may from time to time deem advisable: *Provided*, That such by-laws are not in violation of or contrary to the provisions of this act.

Sec. 12. That any individual or company paying to said company either for insurance or in advance for insurance, the sum of twenty-five dollars, shall be entitled to a certificate for one share of permanent stock, and in that proportion of a greater or less sum, until the amount of shares so taken shall amount to two hundred; after which number of shares shall have been taken, the payment as aforesaid of fifty dollars shall be required to entitle any person to a certificate for



one share of permanent stock and in that proportion, until the further number of one hundred shares shall have been taken; after which the payment as aforesaid of one hundred dollars shall be required for each share of permanent stock.

Sec. 13. That each certificate of permanent stock shall express Certificates. the date of issue and amount paid to the company for each share therein, and shall be transferable only on the books of said company, and not until all debts, dues and demands of said company against the stockholder in whose name such stock shall stand, are fully paid.

Sec. 14. That all persons or companies, who shall pay cash in advance for insurance, shall be entitled to a credit on the books of the Cash in advance. company for the amount paid, which shall be applicable to the payment of premiums on any policy thereafter to be issued to such stockholder, or to such other person or persons as he may direct: *Provided*, Such stockholder shall apply for such policy or policies before the expiration of three years from the date of such credit.

Sec. 15. That all persons or companies who shall pay any premiums to said company, shall be entitled to a receipt for the amount so paid, which shall be received by said company in payment for stock.

Sec. 16. That at all elections held by said company, each share Elections. of permanent stock shall entitle the holder thereof to one vote: *Provided*, That no one stockholder shall by proxy or otherwise give more than fifty votes: *And provided further*, That after the first election for directors, no stockholder shall be entitled to vote unless the stock represented by him, shall have been standing in his name in the books of said company, at least sixty days.

Sec. 17. That it shall be the duty of the directors of said company, annually in the month of January, to report to the legislature of Duty of the directors. this state showing the amount of permanent stock paid in; the amount of premiums received, and on what risk; the amount of losses within the preceding year, and on what risk; the amount of expenses the preceding year; the amount of capital, and how invested; the amount of premium receipts outstanding; and the amount of cash on hand, and where deposited; a copy of which report shall be delivered to each stockholder on request, and shall be published for two weeks in a daily paper printed in Detroit.

Sec. 18. That the directors may invest the capital stock or accumulated profits of said stocks in stocks of the United States, or any of the several states.

Policies issued.

Sec. 19. That no policy of fire or marine insurance shall be issued by said company for a period longer than two years; and no stockholder or person insured in said company shall be incapacitated thereby to prosecute said company at law or in equity, or to be prosecuted by said company; and any stockholder in said company may be a witness for or against it, in any cause to which he is not individually a party, or in which he has not an interest other than that created in virtue of his being a stockholder therein.

Purchase estate.

Sec. 20. That said company may purchase and hold real estate for an office and dwelling house not exceeding in value ten thousand dollars: *Provided*, That in case it shall be necessary in securing debts due said company, to purchase real estate at execution or on mortgage sale, or on compromise or commutation of such debts, it shall not be deemed a violation of this section.

Give notice.

Sec. 21. That whenever the amount of permanent stock and premium shall amount to one hundred thousand dollars, the company shall give notice by publication at least one month in a newspaper printed in the city of Detroit, calling upon the holders of premium receipts to return them to the office of the company and receive therefor certificates of permanent stock; and all premium receipts not presented or returned to the company, for the purpose before mentioned, within two years from the date of said notice, shall be forfeited and forever excluded from any participation in the stock or funds of said company.

Directors to distribute stock.

Sec. 22. That when the directors shall ascertain the amount of premium receipts that have been forfeited, and the amount of permanent stock to be issued to complete the whole number of one thousand shares, they shall distribute such deficiency of permanent stock among the existing stockholders, in proportion to their respective amounts of stock at the time of said distribution, or may permit new subscribers to the amount of such forfeiture.

Sec. 23. That the directors shall have power to appoint as many agents, appraisers, surveyors and clerks with such salaries and emoluments as they shall deem proper and necessary, for the business of the company.

Sec. 24. The company shall exist for the term of twenty years, unless the legislature shall sooner repeal the charter, or unless dissolved by a vote of three-fourths of the stockholders, or its chartered privileges shall be declared forfeited by the final decision of a court of law or equity; and if said dissolution shall take place before such company shall have issued one hundred thousand dollars of permanent stock and premium receipts, then the capital stock thereof, after paying expenses and extinguishing outstanding policies, shall be divided among the holders of permanent stock and premium receipts, according to their respective amounts: *Provided*, That six months notice be given in a daily newspaper published at Detroit, that said distribution is about to be made, requiring the holders of premium receipts to produce the same at the office of said company; and all such receipts not presented on or before the expiration of one year from and after the first publication of said notice shall be barred and excluded from such distribution; but if said distribution shall take place after the issue of one hundred thousand dollars of permanent stock, then the distribution shall be upon the shares of permanent stock alone, share and share alike.

How long said company shall exist.

Sec. 25. That no dividend or distribution of the profits of the company shall be made until the whole amount of capital stock, one hundred thousand dollars, shall have been received and is possessed by said company; and if it shall at any time occur, during the existence of this act, that the capital stock of said company shall be reduced by losses below one hundred thousand dollars, no dividend shall be declared or paid thereafter, until the deficiency in the capital stock be restored and a surplus accumulated, which may be divided; and all dividends shall be on the permanent stock share and share alike.

Relative to distribution.

Sec. 26. Nothing in this act contained nor in any of its provisions shall be construed to authorize the corporation hereby created to exercise banking powers or privileges, to discount bills or notes, to deal in exchange, or to issue notes, bills, certificates or paper of any other description whatever as a circulating medium. And every violation of this section shall, ipso facto, work a forfeiture of the charter, and subject the directors and officers offending in the premises to such penalties as the legislature may from time to time enact.

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of the same together with a statement of the amount of taxes, interest and charges thereon, also for what year or years such taxes were originally assessed.

Sec. 4. It shall be the duty of the county treasurer receiving such <sup>Duty of co. treasurer.</sup> description and statement, to lay the same before the board of supervisors at their next session. And it shall be the duty of such board of supervisors to provide for, and re-assess the amount of taxes so rejected or charged back together with the amount of interest and charges upon the same lands, or as a general tax upon the township in which such lands are situated, in the manner provided in section one of an act entitled an act to regulate tax sales for the year 1843, and for other purposes, approved March 6, 1843.

Sec. 5. All lands returned to the Auditor General upon which the <sup>Lands returned.</sup> taxes remain unpaid, and not rejected or charged back, shall, under his direction, be advertised and sold in the same county from which they were returned or in which they were situated at the time such taxes were assessed.

Sec. 6. All acts or parts of acts contravening or in any way conflicting with the provisions of this act, be and the same are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 12, 1844.

## No. 89.

### AN ACT to authorize Anne Duval, a minor, to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Anne Duval, a minor, (daughter of Stephen Duval,) be, and she is hereby authorized and empow- <sup>To deed property.</sup> ered, under the supervision and approval of the judge of probate for the county of Monroe, to release and convey by deed under hand and seal, the following described lot of land, viz : known as lot numbered seventy-five, east of Monroe street in the city of Monroe, Michigan ; bounded east by Macomb street, south by Fourth street, west by an alley, and north by lot number seventy-four, to David A. No-

ble of said county of Monroe: And such conveyance shall be as good and effectual in law to all intents and purposes whatever, as if said Anne Duval were at the time of such conveyance of the full age of twenty-one years.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 12, 1844.

### No. 90.

AN ACT making appropriations to defray certain expenses authorized for the year eighteen hundred and forty-four.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the following sums be, and the same are hereby appropriated out of the general fund: To G. F.

G. F. Rood. Rood & Co., for stationery furnished the Secretary of State, for the year 1843, twenty-eight dollars and seventy-five cents. To William W. Clay. Clay, for balance of damage sustained in the loss of a cow, killed on the Central railroad, in 1838, twenty dollars. To F. Farrand, for clerk's fees, in the case of Wm. A. Cross, vs. the state of Michigan, tried October, 1841, twelve dollars and forty-six cents. To F. Farrand, for clerk's fees, in the case of the state of Michigan, vs. W. and Jerry Ford, eleven dollars and seventy-eight cents. To A. S. Williams. Williams, for advertising proposals for printing in 1843, two dollars. To Daniel Thompson and Son, for services as sheriff and deputy sheriff, and expenses in transporting prisoners from Detroit to Jackson, in 1843, eighty-eight dollars. To John Monroe, for money advanced to Messenger to defray the expense of procuring from the city of New York blank State Scrip, ninety-two dollars and sixty cents. To Chandler & Co., for carpeting furnished supreme court room, seventy-seven dollars and seventy-one cents. To Francis R. Stebbins, for table and case for the register's office of the fifth chancery circuit, twenty-six dollars. To G. F. Rood & Co., for stationery procured by E. J. Roberts, in 1843, for House of Representatives, twelve dollars and fifty cents. To G. F. Rood & Co., for stationery furnished House of Representatives, March 8, 1843, forty-three dollars and

thirteen cents. To G. F. Rood & Co., for stationery furnished the office of Attorney General, A. D. 1843, eighteen dollars. To G. F. Rood & Co., for stationery furnished the office of Auditor General, thirty dollars and seventy-seven cents. To G. F. Rood & Co., for stationery furnished the office of Adjutant General, in 1843, eighty dollars and six cents. To G. F. Rood & Co., for stationery furnished third circuit chancery court, in 1843, twenty-nine dollars and nineteen cents. To G. F. Rood & Co., for stationery furnished fourth circuit supreme court, in 1843, twelve dollars and thirteen cents. To G. F. Rood & Co., for stationery furnished fourth circuit of chancery court, in 1843, fourteen dollars and sixty-three cents. To G. F. Rood & Co., for books and stationery furnished the supreme court and court of chancery for thesecond circuit, 1843, thirty-two dollars and seventy-five cents. To Z. Vollum, for books furnished the Auditor General's office, in May, 1843, thirty-six dollars. To G. W. Raney, for advertising attachment in case of state vs. the Fords, five dollars. To Nowland, Norton, Doyle and Lally, for labor in removing stove at the capital, fifty cents each. To James Fisher, making platform and table for judges desk, partition, door and sundries, eight dollars and thirteen cents. To E. A. Mather, for one pair pitchers and half dozen tumblers furnished supreme court, two dollars and twenty-five cents. To John G. Norton, for twelve fancy and twelve windsor chairs furnished the supreme court, seventeen dollats. To Alexander H. Newbould, for one dozen candlesticks and one pair of shovel and tongs, furnished the supreme court, seven dollars. To Daniel Thompson, for wood furnished and sundry articles purchased for supreme court, twenty-one dollars and sixty-nine cents. To Charles V. Selkraig, for services rendered in fitting up supreme court room, and cash paid for making carpet, ten dollars. To B. Wright, for boards used in fitting up supreme court room, nine dollars and sixty-seven cents. To Benham Wright, for candles and nails furnished supreme court, five dollars and eighty-eight cents. To Abbott & Beecher, for articles furnished by order of the supreme court, nine dollars and six cents. To M. F. Dickinson, for sundries furnished supreme court, twenty dollars and seventy-four cents. To W. R. Noyes, for articles used in fitting up supreme court room, ninety-three cents. To Sheldon McKnight, for printing six reams foolscap circu-

- lar of "an act to amend the several acts incorporating the militia,"  
**N. Snyder.** approved April 13, 1841, forty-one dollars. To Nicholas Snyder, for sawing thirteen and a half cords of wood, in 1844, five dollars and ninety-four cents. To Nicholas Snyder, for sawing and splitting in December, 1843, eleven cords of wood twice in two, and twenty-six and a quarter cords once in two, seven dollars and seven cents.  
**J McReynolds.** To John McReynolds, for thirty and three fourths cords of wood delivered and piled in yard, fifty-five dollars and sixty-nine cents. To  
**McFarren.** A. McFarren, for stationery furnished the office of Auditor General, thirty-seven dollars and sixty-eight cents. To James I. Butler, for  
**J I Butler.** seal press furnished clerk of the supreme court in 1842, twenty dollars. To A. W. Hovey, for Observer sent to E. T. Chester sixty  
**Hovey.** days, one dollar. To H. N. Strong, for four days' attendance as witness before the Senate committee on finance, in April, 1841, eight  
**H N Strong.** dollars. To J. Saunders, for damaging stove and losing its furniture on Central railroad, in November, 1841, eight dollars and twenty-six cents. To Thomas D. Gilbert, for amount of judgment recovered against him in circuit court in Ottawa county, for selling goods taken in execution without appraisal, and contrary to the provisions of an act approved 27th of March, 1841, two days only previous to the said sale, ninety-four dollars and nineteen cents. To Charles G.  
**Green.** Green, proprietor of the Boston Post, four dollars and seventeen cents. To Z. Vollum, one hundred and fifty-five dollars and sixteen cents, for pressing sheets of session laws, journals of Senate and House of Representatives, Senate and House documents, joint documents and school laws. To Ezra Williams, Quarter Master General, for services rendered in the discharge of the duties required of him by law, during the years 1842 and 1843, two hundred dollars.  
**A Godard.** To Abel Godard, for seven days attendance as a witness before the Senate committee on banks, in 1840, and travelling fees, eleven dollars and twenty-five cents. To R. D. Power, for service and expenses in going to the western part of this state in March, 1835, to  
**R D Power.** arrest Hannah Gallup, fifty-eight dollars. To Abel F Fitch, for seven sheep killed by the locomotive on the Central railroad in 1842, twelve dollars and twenty five cents. To John Gibson, for services as crier of the courts in Wayne county, from 1840 to 1844, forty-five dollars. To L. Fasquille, for translating the Governor's inau-



gural and message into the French language and correcting proof sheets, (1844,) fifty dollars. To Edward D. Ellis, for advertising <sup>E D Ellis.</sup> notice for receiving proposals for state printing and binding in 1843, one dollar and fifty cents. To J. W. Tillman, for repairing, uphol- <sup>J W Tillman.</sup> steriug and covering arm chair, three dollars. To R. P. Eldredge, <sup>R P Eldr'ge</sup> for cash paid A. S. Kellogg for stationery, nine dollars. To John <sup>J Bremen.</sup> Bremen, for cleaning stove pipe and work done in the House, tenth February, four dollars. To E. J. Roberts, for making customary <sup>E J Roberts</sup> preparations for opening the House of Representatives in 1844, and services as clerk *pro tempore*, ten dollars. To John Webster, for <sup>J Webster.</sup> trimming fire-board and putting up pipe in November, 1843, one dollar. To Henry E. Perry, for twenty-seven and one-eighth cords of <sup>H E Perry.</sup> wood, fifty-four dollars and twenty-five cents. To C. Morse for sta- <sup>C Morse.</sup> tionery furnished the House of Representatives from January first to eighth March, 1844, twenty-three dollars and fifty-five cents. To <sup>H E Perry.</sup> Henry E. Perry, for twenty-nine and a half cords of wood furnished during the winter of 1844, fifty-seven dollars and twenty-five cents. To Alexander H. Newbould, for stationery furnished the House of <sup>A H Newbould.</sup> Representatives in 1844, eighty-seven dollars and fifty cents. To <sup>McFarren.</sup> A. McFarren, for stationery furnished the office of the Auditor General in February and March, 1844, seven dollars and fifty cents. To George Combs, for expenses incurred in fitting up book room, &c. <sup>G Combs.</sup> &c., five dollars and ninety-six cents. To Patrick Cary, for repairs <sup>P Cary.</sup> of locks, tables and carpet, and for other extra services, fifteen dollars. To Henry E. Perry, five dollars and fifty cents, for repairs, <sup>H E Perry,</sup> and locks to tables. To Thomas Hall, for repairing stoves and gate <sup>T Hall.</sup> of capital, one dollar and thirteen cents. To A. McFarren, for sta- <sup>McFarren.</sup> tionery furnished House of Representatives during the present session, eighty-two dollars and forty-one cents. To John Owen & Co., <sup>J Owen.</sup> for stationery furnished House of Representatives (present session,) nineteen dollars and forty-two cents. To Thomas Rowland, Post <sup>T Rowland.</sup> Master, for postage on letters, packages, and papers, received at the Detroit post office for members of House of Representatives, from the first of January to the first of March instant, two hundred and two dollars and fifty-four cents. To Thomas Rowland, for postage for members of Senate during the same period, one hundred and three dollars and forty-six cents. To A. S. Baggs, for stationery furnished <sup>A S Baggs.</sup>

House of Representatives, (the present session,) eighty-nine dollars and fifty eight cents. To G. F. Rood & Co., for stationery furnished House of Representatives; (the present session,) seventy-one dollars and twelve cents. To Bagg & Harmon, for printing divisions, circulars, certificates, &c., from January first, 1844, to March first, 1844, forty-nine dollars. To Bagg & Harmon, for fifty-eight daily papers, two and a half months, at sixty-six cents per month, ninety-five dollars and twenty-eight cents. To A. S. Williams, for fifty-nine daily papers, two and a half months, at eight dollars per year, ninety-eight dollars and thirty-three cents. To George Coombs, for taking care of capitol during the past year, two hundred and fifty dollars. To Louis Cavalli, for translating into the German language the Governor's inaugural and message for 1844, fifty dollars. To G. F. Rood & Co., for stationery and articles furnished Senate as per certified bill, three hundred and seventy-two dollars and eighty-four cents. To John Webster, for stove pipe, and fitting up the same in the Adjutant General's office, one dollar and ninety-one cents. To Henry Gilbert, for advertising change of times of holding certain courts, three dollars. To G. F. Rood & Co., for stationery furnished the Secretary of the Senate in 1843, as per certificate and bill, eleven dollars and thirteen cents. To D. B. Cook, for printing and blanks for treasurers of Berrien and Cass counties, per order of Auditor General, thirty-seven dollars and fifty cents. To G. W. Rogers, for stationery and articles furnished court of chancery from November 10th to December 5th, 1841, as certified by F. A. Williams, four dollars and sixteen cents. To Austin M. Gould, for paper case and sealing press furnished court of chancery, second circuit as per affidavit of said Gould, sixty dollars. To A. S. Bagg & Co., for stationery furnished the State Treasurer's office, from March seventh, 1843, to January 23rd, 1844, as per certificate of the Treasurer, thirty dollars and seventy-seven cents. To A. S. Bagg, for stationery furnished the court of chancery from May 27th, 1843 to February 12th, 1844, as per certificate of the chancellor, twelve dollars and one cent. To A. S. Bagg, for stationery furnished the Auditor General's office, from March 5th, 1843, to February 9th, 1844, as per certificate of the Auditor General, three hundred and twelve dollars and seventeen cents. To A. S. Bagg, for stationery furnished the office of Secre-

ry of State from March 8th, 1843, to February 6th, 1844, as per certificate of the Secretary of State, ninety-one dollars and seventy-four cents. To A. S. Bagg, for stationery furnished the supreme court as per certificate of clerk of first circuit, twenty-four dollars and sixty-five cents. To A. S. Bagg, for stationery furnished the court of chancery, first circuit, from March 15th, 1843, to November 14th, 1843, as per certificate of the Register of first circuit, thirty-eight dollars and twenty-seven cents. To Bagg & Harmon, for publishing chancery reports as per certificate of the reporter, thirty-three dollars. To Bagg & Harmon, for printing laws, notices, and proclamation, as per certificate of the Secretary of State, three hundred and fifty-seven dollars and seventy cents. To Bagg & Harmon, for blanks, paper and printing for the Auditor General's office, from February, 1843 to January 16, 1844, as per certificate of the Auditor General, nine hundred and forty-nine dollars and forty-four cents.—To Bagg & Harmon, for blanks, paper and printing for the Adjutant General's office from May 17th, to December 20th, 1843, as per certificate of the Adjutant General, sixty-three dollars and forty cents. To Bagg & Harmon, for printing, &c., as per certificate of the State Treasurer, forty-eight dollars and twenty cents. To Bagg & Harmon, for printing for supreme court, as per certificate of the chief justice, twenty-five dollars. To Bagg & Harmon, for printing for the Superintendent of Public Instruction, as per certificate of the said Superintendent, one hundred and seven dollars and thirteen cents.—To Bagg & Harmon, for printing for the legislature in 1843, fourteen dollars and fifty cents. To Hunt & Watson, for services as prosecuting attorney's in Shiawassee county, on certificate of C. W. Whipple, fifty dollars. To the treasurer of the fire department for the city of Detroit, fifty dollars. To D. D. T. Moore, for twenty-two copies of the Michigan Farmer, for the present legislature, five dollars. To G. F. Rood & Co., for cleaning stoves, windows, for locks and for repairing chairs, tables and desks, and fitting stove pipe, eight dollars and twenty-five cents. To A. S. Williams, for twenty-two copies Daily Advertiser, thirty dollars and sixty-seven cents. To Bagg & Harmon, for printing for Senate, as per certificate of the Secretary thereof, seventy-seven dollars and fifty cents. To Bagg & Harmon, for legislative manual, fifty-seven dollars and seventy-

**A S Bagg.** eight cents. To A. S. Bagg, for stationery, as per certificate, twenty-eight dollars and two cents. To James Nichols, for splitting wood, and other extra services as fireman during the present session, ten  
**J Nichols.**  
**Messengers.** dollars. To each of the messengers of the Senate and House, eighteen dollars for extra services.

Approved March 12, 1844.

### No. 91.

## AN ACT to incorporate the Detroit and Grand River Plank Road Company.

**Comr's.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That C. P. Bush, Eli Barnard, of Livingston county, and Levi Cook, John Blindbury and David Thompson of Wayne county, be, and they are hereby appointed commissioners under the direction of whom, or a majority of whom subscriptions may be received to the capital stock of the Detroit and Grand River plank road company hereby incorporated; and they shall cause books to be opened at the village of Howell, in the county of Livingston, and at the office of the city clerk in the city of Detroit, county of Wayne, for three successive days, at such time as a majority of them shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the time and place of taking such subscriptions, by publishing said notice in two papers printed in Detroit and one in Howell, Livingston county; and the said subscribers shall pay three dollars on each share subscribed at the time of subscribing therefor and they and their successors and assigns, for the period of twenty years after the passage of this act, be and the same are hereby constituted and declared to be a body politic and corporate under the name of the Detroit and Grand River plank road company, and by that name they and their successors, for the period aforesaid, shall and may have succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a common seal, and that they and their successors by the name aforesaid, shall

**Incorporated.**

in law be capable of purchasing and holding any lands, tenements, hereditaments and real estate whatsoever: *Provided*, That it shall be necessary for the construction, preservation and repair of said road, for the erection of toll gates and toll houses thereon.

Sec. 2. The capital stock of said company shall be fifty thousand dollars, to consist of and be divided into one thousand shares of fifty dollars each; and it shall be lawful for the said company, whenever its whole capital stock shall have been subscribed and one thousand dollars paid in, to commence its business, and with that capital to conduct and carry on the same until the said company shall deem it expedient to call in its remaining capital; and the commissioners shall make such distribution of the stock as they may deem for the best interests of the company. Capital stock.

Sec. 3. For conducting the business of said company, which shall be the improvement of the present Grand River turnpike from the northerly line of the Cass farm in the city of Detroit, to the point where the base line intersects the said road; there shall be three directors, to be chosen by the stockholders, one of whom they shall annually elect their president, who shall hold their offices for one year or until others shall be elected in their stead. The election of the first directors shall be held within thirty days after the stock shall have been subscribed, at the city clerk's office in Detroit, and all subsequent elections shall be held at such time and place as the directors shall determine, thirty days notice thereof being first given, by publication in one newspaper in the city of Detroit and in the village of Howell, in Livingston county; at which meeting each stockholder may vote in person or by proxy, each share being entitled to one vote: *Provided*, That this corporation shall not be dissolved by reason that the annual election is not held at the time above mentioned. Directors.

Sec. 4. The said company be and they are hereby authorized to take immediate possession of the Grand River turnpike, from the city of Detroit to the said base line; that upon and within the lines of said turnpike it shall cause to be laid down a good and substantial plank road from Detroit to the said point where the base line intersects the said road, to be covered with sound plank not less than three inches in thickness, and not less than eighteen feet in length to be well fastened down to the said bed timbers, so as to make the same a Construction

as proxy for another, unless he shall himself be a stockholder in said company.

**Sec. 28.** That all committees appointed by the legislature, the Governor and Attorney General, or either of them, may at any time examine into the affairs of this company, and have free access to its books, papers and vaults for that purpose.

Approved March 12, 1844.

### No. 88.

## AN ACT to define the duties of the Auditor General in relation to rejected taxes and for other purposes.

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the Auditor General is authorized and required, in all cases where taxes upon lands returned delinquent to his office, shall for any cause be rejected, or having been credited shall be charged back on the books of his office, to charge the same over to the county from which such taxes were so returned, unless the lands on which the same were assessed shall have been set off to some other county, or attached to some other county for judicial purposes, and in case such lands shall have been so attached, they shall be charged to the county to which they belonged at the time of such rejection.

**Sec. 2.** It shall be the duty of the board of supervisors to furnish to the Auditor General a list of all taxes which have been rejected or charged back to their county by him on the lands which have been detached from such county subsequent to the time when such taxes were assessed, and the Auditor General shall thereupon credit to such county the amount which he may have so charged back, and charge the same to the county in which such lands may be situated, provided said taxes have not been paid or re-assessed as provided by law.

**Sec. 3.** That the Auditor General shall, immediately after ascertaining the amount of taxes, interest and charges due upon any lands, which have been or may hereafter be rejected or charged back as hereinbefore provided, forward to the treasurer of the county to which such lands may be so attached for purposes of taxation, a description

of the same together with a statement of the amount of taxes, interest and charges thereon, also for what year or years such taxes were originally assessed.

Sec. 4. It shall be the duty of the county treasurer receiving such <sup>Duty of co. treasurer.</sup> description and statement, to lay the same before the board of supervisors at their next session. And it shall be the duty of such board of supervisors to provide for, and re-assess the amount of taxes so rejected or charged back together with the amount of interest and charges upon the same lands, or as a general tax upon the township in which such lands are situated, in the manner provided in section one of an act entitled an act to regulate tax sales for the year 1843, and for other purposes, approved March 6, 1843.

Sec. 5. All lands returned to the Auditor General upon which the <sup>Lands re- turned.</sup> taxes remain unpaid, and not rejected or charged back, shall, under his direction, be advertised and sold in the same county from which they were returned or in which they were situated at the time such taxes were assessed.

Sec. 6. All acts or parts of acts contravening or in any way conflicting with the provisions of this act, be and the same are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 12, 1844.

## No. 89.

### AN ACT to authorize Anne Duval, a minor, to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Anne Duval, a minor, (daughter of Stephen Duval,) be, and she is hereby authorized and empow- <sup>To deed property.</sup> ered, under the supervision and approval of the judge of probate for the county of Monroe, to release and convey by deed under hand and seal, the following described lot of land, viz: known as lot numbered seventy-five, east of Monroe street in the city of Monroe, Michigan; bounded east by Macomb street, south by Fourth street, west by an alley, and north by lot number seventy-four, to David A. No-

**Mile stones.** Sec. 8. The said corporation shall cause mile stones or posts to be erected and maintained, one for every mile of said road, from Detroit to the said base line, and on each stone or post shall be legibly marked or inserted, the distance the said post is from Detroit and if any person shall wilfully cut, injure or destroy said mile post, or said road itself, or shall pass the gates without payment of toll, such person or persons shall forfeit and pay for every such offence twenty-five dollars, to be recovered by the said corporation in their corporate name, and for their benefit, in an action of debt, before any justice of the peace of the county where said offence is committed, or where the offender may be found; such offender or offenders shall also be liable to said company for all damages which said company shall sustain by reason of the commission of any wilful injury to said posts, or to said road.

**Toll gatherer.** Sec. 9. If any toll gatherer shall unreasonably detain or hinder any traveller or passenger at either of the said gates, or shall demand or receive more tolls than, by this act is established, he shall, for every such offence forfeit and pay twenty-five dollars, to be recovered by the person so unreasonably detained, for his own use, with costs of suit, before any justice of the peace in the county where such detention occurred: *Provided*, That if no goods and chattles can be found to satisfy said judgment and costs, then in that case the property of said company shall be liable to execution issued on said judgment, and the same may be taken on such execution in the same manner as if said execution was against said company in its corporate name.

Sec. 10. The said corporation shall cause to be posted up in some conspicuous place at each of the gates, a list of the tariff of tolls established by this act; if said corporation shall fail to post and keep up such list of tolls, for such neglect the company shall not be entitled to receive any tolls during such neglect.

**Shares.** Sec. 11. The shares of said plank road shall be deemed and considered to be personal property, and shall be transferable in such manner as the president and directors may direct.

Sec. 12. Whenever complaint shall be made to either of the three commissioners appointed in pursuance of the provisions of this act, that any part or parts of said road is out of repair, it shall be the duty of such commissioner to give notice to the other two commissioners who, with him, shall proceed to examine such part or parts of said road, and if the same shall, in the opinion of such commission-



ers, be out of repair, then the said commissioners shall give notice in writing of such defect, to the toll gatherer or person attending the gate nearest the place out of repair, and may also, in their discretion, in the said notice, order such gate or gates to be thrown open, and the said gate or gates, so ordered to be thrown open, shall after service of such notice as aforesaid, be open and remain open; and no tolls shall be demanded until after said road is put in complete repair; and if such keeper of the gate shall not immediately, after the receipt of said notice, open such gate, and keep the same open until such repairs are completed, or shall hinder or detain any person or persons in passing said gates, or shall take or demand any toll from any person or persons, after receiving such notice and until such repairs are completed as aforesaid, he shall forfeit and pay to the said person so detained as aforesaid, the sum of twenty-five dollars for each and every offence, to be recovered in an action of debt before any justice of the peace in any county where said detention occurs, and the property of said company shall be liable on said judgment, and the same may be taken in any execution issued thereon in the same manner as if the same were against said company in its corporate name; and the said commissioners appointed under and by virtue of this act, shall receive, as a compensation for their services one dollar and fifty cents per day for every day they are employed, to be paid by the toll gatherer nearest to where the service was rendered, out of the moneys collected at such places; and in default of such payment, by said toll gatherer, the stockholders of said company shall individually, be liable to said commissioners. And said company shall make an annual report to the legislature of this state, of all receipts and expenditures of said company upon said road, which report shall be verified by the affidavit of the president of the company.

Sec. 13. The said board of directors shall keep a set of corporate books, open at all times to any or all of the stockholders, in which shall be entered the cost of the construction of said road and fixtures, and also the expenditures of said company, and all moneys by them received, and an accurate account of the same shall be submitted to the legislature, duly attested by the oath of the officers of said company whenever it shall be required, and the said directors shall make a semi-annual dividend to each and every stockholder of his proportion of the semi-annual profits, after deducting the expenses

of collecting said tolls and of repairing said road and the fixtures thereto appended.

**By-laws &c.** Sec. 14. And the said board of directors shall have power to establish such by-laws and regulations as may be necessary for the management of the affairs of said company, and may appoint a secretary and treasurer to the board, and may do all further acts necessary to carry into effect the objects of this incorporation.

**Construct'n.** Sec. 15. The said company, in taking possession of said road for the purpose of constructing the same, and in making such improvements thereon, shall not allow any obstructions or difficulties to prevent or impede the passage of travellers, coaches, waggons or vehicles of any description, while such improvements are going on; except such as are necessary and unavoidable, and that no unnecessary delay shall occur in the progress and completion of said road.

**When to be completed.** Sec. 16. If the said company shall not complete eleven miles of the said road within five years from the passage of this act, and the balance of it within five years from the passage hereof, or if either of the toll gates on said road shall be kept open for the period of two months after notice is given that said road is out of repair, agreeably to the provisions of the eleventh section of this act, then, and in either case, the power and privileges granted to said company by this act, shall cease and be null and void.

Sec. 17. This act shall take effect and be in force from and after its passage; and the said powers hereby conferred shall not be taken away from said company without good cause shown; and this act shall be and the same is hereby declared to be a public act and shall be favorably construed for the purposes hereby intended.

Approved March 12, 1844.

## No. 92.

**AN ACT to provide for the current expenses of the State for the year one thousand eight hundred and forty-four.**

**Salaries.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the following sums be, and the same are hereby appropriated out of the general fund for the current expenses of the state government for the year one thousand eight hundred and forty-four, viz: For the salaries of the Governor, the

associate justices of the supreme court, and the Chancellor, fifteen hundred dollars each; for the salary of the chief justice of the supreme court, sixteen hundred dollars; also, for the balance of the salary of said Chief Justice from July 18th, 1843, to January 1st, 1844, for which no appropriation has heretofore been made, forty-eight dollars and sixty-eight cents; for the salaries of the Judge of the district courts, Auditor General, Secretary of State, State Treasurer, and Commissioner of the land office, one thousand dollars each; and for the salary of the Attorney General, eight hundred dollars; for the salaries of the chief clerk of the Auditor General and the clerk of the State Treasurer, seven hundred dollars each; and for the salaries of the two assistant clerks for the Auditor General, six hundred dollars each; and for the salaries of the deputy Secretary of State, deputy Commissioner of the land office, and one clerk of the land office, five hundred dollars each; such officers respectively certifying that such deputies and clerks are necessary. For the salary of the Superintendent of Public Instruction, five hundred dollars; for the salary of the Adjutant General, three hundred dollars; for the salary of the recorder of the land office, four hundred dollars; for the salary of the State Geologist, one thousand dollars; for the salary of the State Topographer, eight hundred dollars; for the engraving and publishing of the maps of the state and counties, such sum as may be necessary, not exceeding one thousand dollars; for the current expenses of the geologist and topographical survey, such sum as may be necessary, not exceeding four hundred dollars; for the engraving for the final report of the State Geologist, five hundred dollars.

Sec. 2. The salaries above specified shall be payable quarterly, commencing from the first day of January of the present year, or at the same rates for fractional quarters.

Sec. 3. There is hereby appropriated so much money in addition to the amount already appropriated, to be paid out of the general fund, as may be necessary to pay the officers and members of the present legislature, the amounts that shall be due them respectively at the rates fixed by law.

Sec. 4. There shall be allowed to the member from Mackinac thirty days extra pay.

Approp'n.

Sec. 5. There is hereby appropriated to be paid out of the general fund, the sum of five hundred dollars or so much thereof as may be necessary to pay the private secretary of the Governor, and the assistant librarian, each three dollars per day, during the time they are in the service of the state, the former to be paid on the certificate of the Governor, and the latter on that of the Secretary of State; also the sum of fifteen dollars each to the clerk of the House of Representatives, and secretary of the Senate, and the engrossing, enrolling and recording clerk of each house, for extra services performed during the present session of the legislature.

Approp'n.

Sec. 6. That there is hereby appropriated to be paid out of the general fund, to James E. Platt, secretary of the Senate, and Augustine W. Hovey, clerk of the House of Representatives, for preparing for publication, making indexes, and superintending the publication of the journals and documents of each house respectively, for the present session, one hundred dollars each; to said James E. Platt, secretary of the Senate for recording and preparing for and superintending the publication of the executive journal of the present session, thirty dollars; and to Charles A. Mack, engrossing, enrolling and recording clerk of the Senate, one hundred and fifty dollars, and to William C. Pease, engrossing, enrolling and recording clerk of the House of Representatives, two hundred dollars, for making a fair journal of each house respectively for the present session, to be deposited in the office of the Secretary of State, to be paid on the certificate of the Secretary of State, that the services have been performed.

Approp'n.

Sec. 7. That there be and is hereby appropriated out of the general fund the sum of fifteen hundred dollars to pay for the services of the acting professors of the university, on account of due salaries on equal shares, and that said sum be refunded to the general fund from the accruing interest fund of the university, at any time within one year, as the State Treasurer shall direct.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved March 12, 1844.

## No. 93.

**AN ACT** to amend an act entitled "an act to provide for consolidating and revising the general laws of the State of Michigan."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the first section of the act entitled "an act to provide for consolidating and revising the general laws of the state of Michigan," be, and the same is hereby amended by adding at the end thereof as follows: *Provided however*, That if the said chancellor and presiding judge of the first circuit shall consider it to be impracticable, or inconsistent with the discharge of their official duties, to act as members of such council or revision, the said commissioner shall prepare and arrange the laws as aforesaid, without the aid or direction of such council. Amended

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 12, 1844.

## No. 94.

**AN ACT** to punish officers, clerks, agents and servants of incorporated bodies for certain frauds in office.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That if any officer, clerk, agent or servant of any body politic and corporate, or of any incorporated body, company, town, township, village or city, shall at any time have received, in any manner or capacity, any money, bank bill, bank note promissory note, bond, due bill, warrant, bill of exchange, order, check, draft, certificate, books of account, contract, receipt, valuable security, writing for the conveyance of real or personal property, or property of any kind, which shall belong to or be the property in law or equity of such body politic, incorporate, incorporated body, company, town, township, village or city,, and shall at any time wilfully neglect or refuse to pay or deliver over the same upon demand to any proper officer, agent or attorney of such body politic and corporate, incorporated body, company, town, township, village or Punishment for certain offences.

city or in the manner prescribed by any law, by-law or ordinance, or if he shall at any time fraudulently convert to his use or to the use of another, or secrete the same with intent so fraudulently to convert the same, he shall be deemed guilty of larceny, and may be punished by fine not exceeding five thousand dollars, or for imprisonment to the state prison not exceeding ten years.

**What proof required.** Sec. 2. That proof of the defendant acting as such officer, clerk, agent, or servant, shall be sufficient proof to charge him of such upon his trial for any offence created in the foregoing section, and upon such trial, it shall not be necessary for a conviction of the defendant to prove any of the property or things enumerated in the foregoing section as subject of larceny, to be of legal value, nor shall it be necessary to aver such value in the indictment, nor shall it be necessary to aver or prove that the defendant continued to be or to act as such servant, clerk, agent, or officer at the time of the neglect, refusal, conversion or secretion aforesaid.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 12, 1844.

## No. 95.

### AN ACT to incorporate the Lapeer and Pontiac Turnpike Company.

**Com'rs.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Jonathan R. White, Gustavis A. Griffin, and D. S. Pierce, be, and they are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Lapeer and Pontiac turnpike company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first, giving thirty days' notice of the times and places of taking such subscriptions.

**Cap. stock.** Sec. 2. The capital stock of said company shall be twenty thousand dollars, in shares of twenty-five dollars each; and as soon as two hundred shares of said stock shall be subscribed, the subscribers thereto, with such other persons as shall associate with them for that pur-

pose, their successors and assigns shall be, and they are hereby created a body corporate and politic by the name and style of the Lapeer and Pontiac turnpike company, with perpetual succession; and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real or personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned and no further, and in their corporate name may sue and be sued, may have a common seal which they may alter and renew at pleasure, and shall have, enjoy and exercise all the powers, rights and privileges which appertain to corporate bodies, for the purposes mentioned in this act. <sup>incorporated.</sup>

Sec. 3. If said corporation shall not, within two years after the passage of this act, commence the construction of said road, and shall not, within four years from the passage of this act, construct, finish, <sup>Commons road.</sup> and put in operation the whole of said turnpike road, then the rights, privileges and powers of the said corporation shall be null and void, as far as it regards such parts of said road as shall not be finished within the periods limited by this act.

Sec. 4. Whenever two hundred shares of the capital stock shall have been subscribed, if within two years from the passage of this act, the commissioners shall call a meeting of the subscribers, at such time and place as they may appoint, by giving thirty days' public notice of such meeting, and shall lay the books of subscription before the subscribers then present, and thereupon the said stockholders, or a majority of them, shall elect three directors by ballot, a majority of whom shall be competent to manage the affairs of the said company, and said directors are empowered to elect one of their number president, and on all occasions, when a vote of the stockholders is to be taken, each and every share shall entitle the holder thereof to one vote, either by himself in person or by proxy. <sup>Shares.</sup>

Sec. 5. To continue the succession of president and directors of said company, three directors shall be chosen annually on the first Monday in October, at such place as may be appointed by the directors; and if any vacancy shall occur, by death, resignation or otherwise, of any president or director, before the year for which he was elected shall have expired, such vacancy for the remainder of the year may be filled by the directors of said company, or a majority of <sup>Directors.</sup>

them. The directors of said company shall hold their office until a new election of president and directors. All elections which are by this act, or by the by-laws of this company, to be made on any particular day, may be made at any time within sixty days thereafter, notice of such meeting being given as prescribed in the preceding section.

**Meeting.** Sec. 6. At the regular annual meeting of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year to exhibit a clear and distinct statement of the affairs of the company; and at any meeting of the stockholders, a majority of those present, or by proxy, may require similar statements from the president and directors whose duty it shall be to furnish them when thus required; and at all general meetings of the stockholders a majority in value of all the stockholders in said company may remove from office any president, or any of the directors of said company and elect others in their stead: *Provided*, Notice of such intended removal has been given as required by a section of this act.

**Power of directors.** Sec. 7. The directors shall have power, and it shall be their duty to obtain by purchase or gift the right of way, sixty-six feet in width to survey and lay out said turnpike road, to construct or cause to be constructed said road, from the village of Lapeer to the village of Pontiac, thirty feet wide between the ditches, reduce the hills to a proper grade, build bridges &c, and whenever they shall have completed said road or ten miles of the same, commencing at Lapeer village thence southward by way of Farmers creek, it shall be lawful for said directors to give notice to the associate judges of said county of Lapeer, whenever said road is completed, and said judges shall examine said road and report in writing to the county clerk of such county, whether said road or ten miles of the same is completed in a workmanlike manner (according to the true intent and meaning of this act,) and it shall be the duty of the county clerk, so soon as the judges shall have filed in his office a certificate that the directors of said turnpike company have finished in a good workmanlike manner ten miles of said road, to issue under his hand and seal of office, permission to establish one full toll gate and two half toll gates, and on the completion of every five miles, and additional full toll gate or two half toll gates until in all they erect three full toll gates or equivalents: *Provided*, The said turnpike road shall be completed within five years from and after the passage of this act.



Sec. 8. It shall be lawful for the said company to demand and receive the following rates of toll at the full gates, or half thereof as near as may be at the half toll gates, to wit: for every cart, waggon or carriage drawn by two horses, mules or oxen, ten cents, and for every additional horse, three cents, and for every cart, waggon or carriage drawn by one horse, five cents, for every horse rode or led, three cents, for every head of neat cattle driven, ten cents, for every twenty-five head of sheep or swine, ten cents. Rates of toll.

Sec. 9. And the stockholders of said company shall be individual. Liable. ly liable for the debts and liabilities thereof, and may be sued either jointly or severally for the collection of the same; and such liability shall continue for the term of one year from the time they shall cease to be such stockholders as aforesaid.

Sec. 10. The legislature may at any time alter, amend or modify this act, or repeal the same for any abuse of the corporate power created by this act, and in case of the repeal of this act, or an abandonment of said turnpike by said company, the same shall become a public highway.

Approved March 12, 1844.

## No. 96.

AN ACT to amend an act entitled "an act to provide for the assessment and collection of taxes," approved March 8, 1843, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section twenty-five of an act to provide for the assessment and collection of taxes, approved March 8th, 1843, be, and the same is hereby so amended that the taxes for county and township purposes, except for the payment of principal or interest on loans already contracted, shall never exceed one cent and four mills on the dollar upon the valuation, and of which the amount assessed for township tax shall not exceed six mills on the dollar of the valuation. Amended.

Sec. 2. Any person holding a certificate of purchase of university or primary school lands or occupying the same, shall be liable to be assessed therefor as if he were the actual owner thereof: *Provided,*

*however*, That the same shall be assessed as personal property and not as real estate, and the tax thereon shall be collected in the manner prescribed for the collection of taxes upon personal property.

Redeem  
lands.

Sec. 3. Owners and persons having a legal lien on any lands heretofore purchased by the state, at tax sale, and persons whose lands have become forfeited to the state in pursuance of such tax sale, may redeem the same at any time prior to the first day of October next, by paying to the State Treasurer on the certificate of the Auditor General the amount for which the same was sold, with fifteen per cent. interest from the time of sale to the day of redemption.

Duty of s'to  
treasurer.

Sec. 4. The State Treasurer is hereby authorized and required to redeem any and all parcels of lands sold to individuals for taxes for the year 1840, that have been purchased by the state for taxes of any previous year, and of which the title is now in the state, and where he may deem it for the interest of the state, in order to consolidate and render said interest more valuable, he is hereby authorized to exchange undivided portions of lands which have been purchased by the state at tax sale, for other undivided portions of land owned by individuals, and to deed the same on receiving proper conveyances of lands, to be received in exchange.

Sec. 5. Section thirty-nine of said act is hereby so amended as to require the township treasurer to deposit his tax roll and warrant with the county treasurer at the time of making his return, and not in the office of the township clerk of his township.

Amended.

Sec. 6 Section forty-seven of the act to which this is amendatory, is hereby so amended as to make the returns from the county treasurers, receivable by the Auditor General at any time during the month of March in each year, whether the said returns are forwarded prior to the first day of March, or at any time during the said month.

Sec. 7. Section twenty-five of the act to which this act is amendatory, is hereby amended by adding after the word "township" where it first occurs in the eighth line, the words "together with four per cent. for collection expenses." That section forty-two of said act be amended by striking out from the commencement of the fourth line down to and including the word "warrant" in the fifth line, and inserting, "shall retain from the moneys collected by him." He shall also be allowed by the county treasurer two per cent. on all

taxes returned: *Provided*, That no treasurer shall be allowed more than ten dollars for making his returns.

Sec. 8. There shall be published for eight weeks successively, next previous to the first Monday in October in each year, in one newspaper printed and published in each county in this state where any lands are to be sold for taxes, a full and accurate statement of such lands, the amount of tax due on each parcel, the interest thereon to the first day of October, together with the costs of advertising, postage, expense of sale, and returns thereof, and conveyances calculated on each description, by dividing such charges by the whole number of descriptions; and in case there is no such newspaper printed and published in the county, such statement shall be printed and published in an adjoining county and in case there is no newspaper printed and published in any adjoining county, then such statement shall be printed and published in the state paper. And after the year 1844, it shall be the duty of the county treasurer in any county of the state where any lands are to be offered for sale as herein provided, and for the present year of the Auditor General, to designate the newspaper in which such statement shall be printed and published, on or before the first day of April for the year 1844, and before the first day of March in each year thereafter, and not afterwards, unless the proprietor of each paper so designated neglect or refuse to print and publish such statement: *Provided*, That the cost of printing such statement shall not exceed thirty cents for each and every description of land so advertised: *And provided also*, That it shall be sufficient to describe lands assessed or sold for taxes, in the manner heretofore in use, by initial letters, abbreviations and figures: *And provided further*, That the lands delinquent for taxes for the year 1843, shall be advertised to be sold with the lands delinquent for taxes for the year 1844, on the first Monday of October 1845.

Published  
in newspaper.

Sec. 9. No printer shall be paid for printing any copy of the aforesaid statements, who does not forward to the Auditor General within twenty days after the last publication thereof an affidavit of such publication made by some person to whom the facts are known, and also that he has transmitted to each county treasurer by mail the two first numbers of his paper containing the said list of taxes as advertised.

Payment.

Amended.

Sec. 10. The twenty-first section of the act to which this act is amendatory, be, and the same is hereby amended, by striking out of the fifth line of said section the words "first Monday of October," and by inserting in the place of said words the words "second Monday of October."

Unpaid tax-  
es.

Sec. 11. When land delinquent for unpaid taxes is sold, in case less than the whole parcel is sold, it shall be taken from the north side or north end of the tract (as the case may be,) and to be bounded south by the line to be drawn parallel to the northerly line of said tract.

Sec. 12. Sections forty-nine, fifty-seven, fifty-eight and fifty-nine of the act to which this act is amendatory, and all parts of acts contravening the provisions of this act, are hereby repealed.

Sec. 13. This act shall take effect and be in force from and after its passage.

Approved March 11, 1844.

# RESOLUTIONS.

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## No. 1.

**JOINT RESOLUTION** authorizing the Governor to appoint a private Secretary.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Governor be and he is hereby authorized to employ a private secretary during the present session of the legislature, who shall be allowed such compensation as the legislature may direct, not exceeding three dollars per day. <sup>Compensation.</sup>

Approved January 5, 1844.

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## No. 2.

**JOINT RESOLUTION** relative to an examination into the affairs of the Michigan Insurance Company of the city of Detroit.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Attorney General be required to examine <sup>To examine</sup> into and communicate to this legislature, whether, in his opinion, the "Michigan insurance company of the city of Detroit" have complied with the requirements of an act to amend an act entitled an act to incorporate the stockholders of the Michigan insurance company of Detroit; approved March 7th, 1843, and for other purposes.

Approved January 13, 1844.

## RESOLUTIONS.

## No. 3.

## JOINT RESOLUTION proposing an amendment to the Constitution.

*Resolved by the Senate and House of Representatives of the State of Michigan, That the amendment to the constitution, proposed by the joint resolution of the two houses, approved February sixth, 1844,*

*Amendment.* eighteen hundred and forty-three, which is in the following words, to wit: Strike out of section four of article four, the words "on the first Monday of November, and on the following day," and insert the words "on the first Tuesday," so that the said section will read, "the Representatives shall be chosen annually on the first Tuesday of November, by the electors of the several counties or districts into which the state shall be divided for that purpose," be and the same is hereby agreed to.

Approved January 16, 1844

## No. 4.

## JOINT RESOLUTION relative to the fine imposed on General Jackson by Judge Hall.

*Whereas, The fine of one thousand dollars imposed on General Andrew Jackson by Judge Hall, in the year one thousand eight hundred and fifteen, for the enforcement of martial law, and an alleged contempt of court, in New Orleans, during its invasion by the English, ought to be refunded. Therefore,*

*Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators in the Congress of the United States be instructed, and our Representatives requested, to urge the enactment of a law by that body, directing the amount of the fine imposed by Judge Hall and paid by General Jackson, to be refunded to him with interest.*

*Instruction.*

*Resolved, That the Governor transmit copies of the above preamble and resolution to each of our Senators and Representatives.*

Approved January 20, 1844.

## No. 5.

**JOINT RESOLUTION** instructing our Senators and requesting our Representatives in Congress, to ask for an appropriation of lands on the Grand River road.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That our Senators and Representatives in Congress, be requested to use their best exertions to procure an appropriation of <sup>lands owned by the United States, lying within the vicinity of the Grand River road, in Michigan, to repair and finish the said road.</sup> ~~lands owned by the United States, lying within the vicinity of the Grand River road, in Michigan, to repair and finish the said road.~~ *Instruct'ns.*

*Resolved,* That the Governor of the state be requested to forward copies of the foregoing resolution to each of our Senators and Representatives in Congress.

Approved January 24, 1844.

## No. 6.

**JOINT RESOLUTION** relative to the timber and other materials furnished for the construction of the Saginaw Canal.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the board of internal improvement be directed to enquire into the situation of the timber and other materials furnished for the construction of the Saginaw canal and if any of said timber and materials are found, to take measures to dispose of or preserve the same; also if any part or all of said timber or other materials shall be missing or taken away, that they take immediate measures (if the nature of the case shall require) to recover the same or its value. <sup>S. of Int. Imp. to enquire into.</sup>

Approved January 26, 1844.

## No 7.

**JOINT RESOLUTION** relative to a proposed amendment to the constitution of the State of Michigan.

*Whereas* an amendment to the constitution of this state was proposed by a joint resolution of the two houses of the legislature, approv-

## RESOLUTIONS.

ed February 6th, eighteen hundred and forty-three: *And whereas*, The said proposed amendment has been agreed to by a joint resolution of the two houses of this legislature, approved January sixteenth, eighteen hundred and forty-four. Therefore,

Secretary of  
State.

*Resolved, by the Senate and House of Representatives of the State of Michigan*, That said proposed amendment, be, and the same is hereby submitted to the people of this state, for their decision at the next general election: And the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties of this state, in the same manner that he is now by law required to do in the case of an election of Governor and Lt. Governor; and the inspectors of election in the several towns in this state shall prepare a suitable box for the reception of ballots cast for and against such amendment. Each person voting for said amendment shall have written or printed on his ballot, the word "amendment;" and each person voting against it, the words "no amendment." The ballots shall in all respects be canvassed as the votes for Governor and Lieutenant Governor are by law required to be canvassed.

Ballots.

Approved January 27, 1844.

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### No. 8.

**PREAMBLE and Joint Resolution relative to the construction of a road from Saginaw to Michilimackinac and Saut Ste. Marie.**

Preamble.

*Whereas*, The general government did authorize and complete the survey of a road from Saginaw to Michilimackinac, and whereas the lands lying between the mouth of the Saginaw river and the Saut de Ste Marie are yet owned by the United States: *And whereas*, The country alluded to will remain for years unsold and consequently unoccupied, unless a road through the country be opened: *And whereas*, It is for the best interests of the United States that said road should be made; that emigration may be directed to that region; that the public mails may be conveyed with more speed and safety, avoiding the dangerous and circuitous route of the lake shores; that the military posts of Fort Mackinac and Fort Brady, as well as the civil departments of the government, may receive early information of mat-



ters often of much importance : *And whereas*, The tone of public sentiment is undergoing a rapid change in regard to the value and importance of the upper Peninsula of Michigan, as developed through her mineral products, her ever abounding fisheries and other sources of national wealth and prosperity : *And whereas*, It is at present impossible to proceed to the country lying north of the mouth of the Saginaw river for the purposes of a settlement or transportation of supplies during at least six months, if not the whole of the year :— Therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan*, That our members in Congress be requested to procure a grant of lands or other appropriation for the construction of a road from Saginaw to Michilimackinac and Saut de Ste. Marie. Instruct'ns.

*Resolved*, That his Excellency the Governor be requested to forward a copy of the above preamble and resolution to each of our members in Congress.

Approved January 27, 1844.

### No. 9.

**PREAMBLE** and Joint resolution relative to constructing a ship canal around the falls of St. Mary's river at Saut de Ste Marie:

*Whereas*, The construction of a ship canal around the falls of St. Mary's river, connecting Lake Superior with the lower lakes, is an important national work: Therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan*, That our Senators in Congress be instructed, and our Representatives be requested, to co-operate with the Senators and Representatives of other states, interested in the accomplishment of the work, to obtain from Congress an appropriation for its construction by the general government. Instruct'ns.

*Resolved*, That his Excellency the Governor of the state, be requested to transmit a copy of the foregoing preamble and resolutions to each of the Senators and Representatives from this state.

Approved January 29, 1844.

## RESOLUTIONS.

## No. 10.

▲ **JOINT RESOLUTION** relative to the improvement of Grand River.

Section 1. *Resolved by the Senate and House of Representatives of the State of Michigan*, That our Senators in Congress be instructed and our Representatives be requested, to use their best exertions *Instruct'ns.* to procure the passage of a law, authorizing an appropriation of one hundred thousand acres of public land for the improvement of Grand River, from the village of Jackson to Lake Michigan.

Sec. 2. That his Excellency the Governor of this state be requested to transmit a copy of the foregoing resolution to each of the Senators and Representatives in Congress from this state.

Approved February 29, 1844.

## No. 11.

**JOINT RESOLUTION** relative to the Tariff on R. R. iron.

*Resolved by the Senate and House of Representatives of the State of Michigan*, That our Senators in Congress be instructed, and our Representatives requested to use their influence to repeal the law imposing a tariff on railroad iron. *Instruct'ns.*

Approved March 1, 1844.

## No. 12.

**JOINT RESOLUTION** relative to a certain Bond.

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the board of State Auditors be and they are hereby authorized to make such settlement with the county of Saginaw, or with the commissioners, agent or agents of said county, appointed, or to be for that purpose appointed by the board of supervisors thereof, as in their opinion shall be just and equitable of all matters connected with a certain bond for the payment of ten thousand dollars, given by the county aforesaid to the Saginaw City Bank, and by said bank transferred to the Superintendent of Public Instruction, and on such settlement as aforesaid, to assign, transfer, or discharge said *State auditors to settle &c.*

## RESOLUTIONS.

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bond, upon the payment of so much of the principal and interest thereon as said board of Auditors shall deem just and equitable, or upon the giving of a new bond for the same or such portion thereof as said board of Auditors shall in their discretion deem proper and that the officer having charge of said bond be and he is hereby required to deliver the same to said board of Auditors for the purposes aforesaid.

*Resolved*, That this resolution shall take effect and be in force from and after its passage.

Approved March 5, 1844.

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### No. 13.

**JOINT RESOLUTION** relative to the payment of the contracts for state printing and binding.

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the Auditor General be, and he is hereby authorized and required to audit and allow the contractor or contractors for doing the state printing and binding under any contract entered into pursuant to the provisions of an act entitled "an act in relation to state printing," approved February sixth, eighteen hundred and forty-three, such sum or sums as may be found due from time to time upon said contract, on certificate of the proper officer to whom the work may have been delivered, or other satisfactory evidence that the whole or part of any portion of said work has been performed, and to draw his warrant from time to time, for such sums as may be found due on said contracts, or either of them, which warrants the State Treasurer is hereby authorized to pay out of any moneys in the state treasury not otherwise appropriated. Printing.

Approved March 7, 1844.

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### No. 14.

#### **JOINT RESOLUTION.**

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the Commissioner of the land office, be, and he is hereby directed to issue a certificate to Samuel Morgan of Lenawee

Certificate.

county for the east half of the south east quarter of section sixteen, town six south, of range two east in the said county of Lenawee, at the sum of five dollars per acre ; and to apply the payments already made for said land in the same manner and to the same effect as they would have been applied had said certificate been issued under the act approved April thirteen, eighteen hundred and forty-one, entitled an act to reduce the price of university and school lands and for other purposes.

Approved March 7, 1844.

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No. 15.

**JOINT RESOLUTION** authorizing the Agent of the State Prison, under the direction of the Inspectors thereof, to procure certain machinery to be used at said prison.

Agent of  
state prison.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the agent of the state prison be, and he is hereby authorized and empowered, under the direction and supervision of the inspectors thereof, in case they shall deem it advisable and conducive to the interests of the state, to procure machinery for the manufacture of woollen cloths, similar in kind and quality to that which was destroyed by fire in the burning of the workshops at said prison on the eighth of August last, and to pay the expense thereof in the same manner as payment is made for the support of the prisoners confined in said prison, in amount not to exceed eight hundred dollars, and to grant the use thereof to Albert Walcott, or such other person as may enter into contract with said agent, for the employment of convicts at said prison, in the business aforesaid, and for such compensation as said inspectors shall deem reasonable.

Approved March 7, 1844.

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No. 16.

**JOINT RESOLUTION** relative to the claims of Albert Elliot and John M. Van Aiken.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Commissioners of Internal Improvement be

directed to examine into the claim of Albert Elliot and John M. Van Aiken, and to audit and allow such sum or sums as on examination shall appear just and equitable, both under their contract with the state and for services rendered by the day. Examine claim.

Approved March 7, 1844.

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No. 17.

**JOINT RESOLUTION** appointing Z. Curtis a Commissioner to lay out a state road.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That Zimri Curtis, of the township of Addison Oakland county, be and he is hereby appointed a commissioner to assist in laying out and establishing a state road from the village of Rochester to the village of Lakeville, in Oakland county, and from thence to the county site of Lapeer county, agreeable to the provisions of an act approved March ninth, one thousand eight hundred and forty-three, in place of F. C. Clark. Appointed com'r.

Approved March 7, 1844.

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No. 18.

**JOINT RESOLUTION** relative to the claim of C. W. Chapel, and John F. Hamlin and others.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Auditor General be, and he is hereby directed to draw his warrant in favor of C. W. Chapel on the internal improvement fund for the amount of two estimates, one dated November fifteenth, the other November twenty-ninth, eighteen hundred and forty-one, said estimates amounting to one thousand and one dollars and forty-eight cents, which warrant when so drawn, shall draw interest from the fifteenth of February, eighteen hundred and forty-two, and also draw his warrant for John F. Hamlin, on his claim for interest on two thousand two hundred and seventy-three dollars and thirty-two cents, from the fifteenth of February, eighteen hundred and forty-two to the date of the warrant; and also for Isaac Claims.

## RESOLUTIONS.

Kelly, William Beer and James Snook, for interest on three thousand three hundred and sixty-six dollars and seventy-four cents, from February fifteenth, eighteen hundred and forty-two, to February twenty-third, eighteen hundred and forty-three; and also for William Bronson, for interest on two hundred and eighty-two dollars and fifty cents from February fifteenth, eighteen hundred and forty-two, to April first, eighteen hundred and forty-three.

Approved March 8, 1844.

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No. 19.

**JOINT RESOLUTION** relative to a certain sum of money stolen from the Treasurer's office in the county of Shiawassee.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the sum of one thousand eight hundred and twelve dollars of the monies received by the treasurer of the county of Shiawassee, upon the sales of lands delinquent for taxes of the year eighteen hundred and thirty-nine and eighteen hundred and forty, in the month of October last, and which sum was stolen from the treasury of the said county on the night of the third of October last, shall not during the present year be withholden from the said county of Shiawassee, but the Auditor General shall allow, and the State Treasurer shall pay over to the treasurer of the said county of Shiawassee all monies due, or which may become due to the said county of Shiawassee from the treasury of this state during the present year on account of taxes which have been or hereafter may be returned to the Auditor General by said county treasurer delinquent for taxes: *Provided however,* That the payment to be made to the county treasurer aforesaid, in pursuance of this resolution, shall in no way be construed as an acknowledgment that the state is to suffer the loss of the money alleged to have been stolen.

Approved March 11, 1844.

## No. 20.

**JOINT RESOLUTION** authorizing the Governor to have repairs made upon the capitol.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Governor be, and is hereby authorized to contract for such repairs upon the capitol as he may deem needful and proper, and pay for the same out of the contingent fund. To make repairs.

Approved March 11, 1844.

## No. 21.

**JOINT RESOLUTION** authorizing the 'Commissioner of the Land Office to issue certificates to certain persons named therein.

*Whereas,* James Parker, of the county of Kalamazoo, in the state of Michigan, did, on the fourteenth day of July, A. D. eighteen hundred and thirty-seven, become the purchaser of the following tracts of land, to wit :—The east half of the north west quarter, and the north east quarter of the south west quarter of section No. seventeen in township No. two south of range No. eleven west, in the county aforesaid, containing one hundred and twenty acres, for which the usual certificate was issued by the Superintendent of Public Instruction, and *Whereas,* The said Parker paid, on the purchase of said lands, the sum of two hundred and forty dollars; also, the sum of four hundred and fifty-79-100 dollars, on the thirtieth day of November, A. D. eighteen hundred and thirty-eight; being in full for the first instalment due on the said lands; and the former sum of one hundred and thirty-four-50-100 dollars on the fourth day of December A. D. eighteen hundred and thirty-nine, and *Whereas,* The said Parker is fearful that he may not be able, by reason of infirmity and old age, to meet the residue of the payments as they become due on said contract :

*Resolved, Therefore by the Senate and House of Representatives of the State of Michigan,* That the Commissioner of the land office be authorized and instructed, if he shall find the statement of facts set forth in the foregoing preamble to be correct, to issue two certifi- Issue certifi-  
cates.

cates for said lands, one to James Parker for the east half of said land and the other to Solomon Parker, (son of said James,) for the west half thereof: *Provided*, The same can be done without impairing the public interest.

Approved March 11, 1844.

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No. 22.

**JOINT RESOLUTION** instructing our Senators, and requesting our Representatives in Congress, relative to a modification of the present tariff law.

*Resolved by the Senate and House of Representatives of the State of Michigan*, That our Senators in Congress be instructed, and our Instruct'ns. Representatives be requested, to vote for such a modification of the present tariff as may be necessary to produce a sufficient revenue for an economical administration of the government, and will operate as equally as may be upon the interests of the various sections of our common country.

Approved March 11, 1844.

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No. 23.

**JOINT RESOLUTION** for the relief of Wm. B. Wandell.

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the Commissioner of the land office be, and he is hereby authorized to re-instate Wm. B. Wandell in his purchase of the south east quarter of section number twenty-nine, township number four, (4) south of range number ten west, of university lands, and grant to the said Wm. B. Wandell, all the rights that he would now have been entitled, had the same not been forfeited: *Provided*, That said Wm. B. Wandell, shall within four months from the passage of this resolution, pay or cause to be paid to the Commissioner of the land office, all the interest that may be now due or shall become due and the principal that shall be due on said certificate of purchase: *And provided also*, That the university fund will not be in-

Wm. B.  
Wandell.



jured thereby in the opinion of the Commissioner, and that said land has not since been sold by the state.

Approved March 11, 1844.

### No. 24.

#### JOINT RESOLUTION relative to settlement with Charles W. Millerd.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the board of state auditors be, and they are hereby authorized and required to make a just and equitable settlement with Charles W. Millerd for labor done on the Clinton and Kalamazoo canal, and in case they shall award any sum to the said Charles W. Millerd they are hereby authorized to certify the amount that shall be found to be due him, to the Auditor General, who shall draw his warrant on the internal improvement fund for the amount awarded him, and the State Treasurer is hereby authorized to pay said sum out of any money in the internal improvement fund not otherwise appropriated. To settle.

Approved March 11, 1844.

### No. 25.

#### JOINT RESOLUTION authorizing the Governor to appoint an agent to take charge of certain state property.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Governor is hereby authorized to appoint an agent for the state, whose duty it shall be to collect, preserve and properly store any and all tools, fixtures, materials, &c., connected with the state salt wells and belonging to the state—and file a schedule thereof in the office of the Secretary of State. And that said agent also collect and secure the boats, scows, implements and machinery connected with the improvement of the Grand River, and file a schedule of the same in the office of the board of internal improvement. Appoint an agent.

Approved March 11, 1844.

## RESOLUTIONS.

## No. 26.

**JOINT RESOLUTION** relative to the claim of Ebenezer Wesbrook.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the State Treasurer on the order of the Auditor General, be, and he is hereby directed to pay to Ebenezer Wesbrook for arresting and bringing to justice James Scott, a sum not exceeding sixty dollars out of any money in the treasury not otherwise appropriated.

Claim settled  
&c.

Approved March 11, 1844.

## No. 27.

**JOINT RESOLUTION** relative to certain Ottawa Indians residing at L'Arbre Croche, on Lake Michigan.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That our Senators in Congress be instructed, and our Representatives requested, to exert their influence in obtaining for the Ottawa Indians residing at L'Arbre Croche, on Lake Michigan, the rights and privileges of American citizens.

Instructions.

*Resolved,* That the Governor be requested to forward a copy of the above resolution, together with the petition of the Ottawas, to each of our Senators and Representatives in Congress.

Approved March 11, 1844.

## No. 28.

**JOINT RESOLUTION** relative to the claims of Farrand & Higby, and John H. Dubois.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the board of state auditors be and they are hereby authorized and empowered to make a final settlement on just and equitable terms, with Phineas Farrand and Samuel Higby attorneys for Smith and Kelly, relative to certain certificates of indebtedness owned by the said Smith and Kelly, issued by Benjamin Porter, with-

To make  
settlement.

in the year eighteen hundred and thirty-nine, while acting commissioner for the building of the state prison ; also, the claim of John H. Dubois, and if the claims are found to be just, that the board of <sup>Claims.</sup> state auditors shall certify the amount so found to be due to the Auditor General, who shall draw his warrant on the treasury in favor of said Farrand & Higby, or John H. Dubois, or both, for the amount that may be found due.

Approved March 11, 1844.

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No. 29.

**JOINT RESOLUTION** relative to the distribution of the Session Laws, Journals, &c.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the officers and members of the present legislature, be and they are hereby entitled each to one copy of the session laws of eighteen hundred and forty-four, and the legislative journals and documents of said year, and that the Secretary of State is hereby required to forward the same to the several county clerks of this state, in the county in which the said officers and members may reside, for each officer and member, so soon as the same shall be published and ready for distribution. <sup>Officers and members entitled to laws.</sup>

Approved March 11, 1844.

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No. 30.

**JOINT RESOLUTION** authorizing a re-survey of the village of East Battle Creek.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Commissioner of the land office, be, and he is hereby authorized and instructed to direct a re-survey of the west half of section seven, town two south, of range seven west, and cause <sup>To be surveyed.</sup> a plat of the village of East Battle Creek situated thereon, to be made according to the original plan upon which said village was laid out ; and the same to be recorded according to law.

Approved March 11, 1844.

## RESOLUTIONS.

## No. 31.

## JOINT RESOLUTION relative to certain claims.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Commissioner of the state land office and the Treasurer of the state, be and they are hereby constituted a committee to investigate all claims growing out of the sales of the common school, university and internal improvement lands, and to report the facts upon which such claims are founded, with an opinion of the merits of each case, in each year to the legislature at its next session.

Comm'r. and  
Treas'r con-  
stituted a  
committee.

Approved March 12, 1844.

## No. 32.

## PREAMBLE and Joint Resolution relative to Oregon Territory.

*Whereas,* By right of prior discovery ; by subsequent exploration by Lewis and Clarke, under the direction of President Jefferson ; by settlement and occupation in eighteen hundred and eleven ; by the cession to the United States by Spain of all her right of territory in that quarter, north of the forty-second parallel of latitude ; by our succession, under the treaty of Louisiana, to all the French claim to the territory on that coast, and back of it ; and by territorial contiguity, the United States are entitled to the whole of that country on the Pacific Ocean, and running back to the Rocky Mountains, generally known by the name of Oregon : *And whereas,* Great Britain without any claim whatever to any portion of territory on the Pacific Ocean, through her Hudson Bay Fur Company, has occupied and fortified every important post on the Columbia river and elsewhere in that country, pushing out every American enterprise and settlement for purposes of trade or occupation, attempted in Oregon : *And under the auspices of her Fur Company, with the subservient instrumentality of the savages under their influence, it is said that hundreds of American citizens have lost their lives in their efforts to carry on trade, or to settle in that quarter : Therefore, be it*

Preamble,

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Senators in Congress from this state, be in-

structed, and that the Representatives be requested, to use their exertions for the adoption of suitable measures to give Great Britain the requisite notice of the intention of the United States to annul the agreement entered into by the convention of the two powers in eighteen hundred and eighteen, renewed in eighteen hundred and twenty-seven, by which all territories claimed by the United States or Great Britain, between the Rocky Mountains and the Pacific, were with their harbors, bays and rivers, to be free and open to the vessels, citizens and subjects of both nations. Instructions.

*Resolved*, That it be recommended that prompt and energetic measures be adopted by the government of the United States to take and maintain the effectual occupation of the Territory of Oregon.

Approved March 11, 1844.

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### No. 33.

**JOINT RESOLUTION** relative to the accident on board the Princeton.

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the members of this legislature have received the mournful tidings of the death of the Secretary of State, the Secretary of the Navy, and other distinguished citizens of our republic, with feelings of the deepest sorrow, that in this dispensation of Divine Providence the nation has been bereft of some of her noblest sons, in the midst of their usefulness, and in the pride of manhood, and that we tender to their respective families and friends our heartfelt condolence for this sudden bereavement.

*Resolved*, That his excellency the Governor, be requested to communicate a copy of these proceedings to the President of the United States, the Secretary of State, Navy and War, and to the families of the deceased respectively. Governor to transmit resolution.

Approved March 11, 1844.

## No. 34.

**PREAMBLE and Joint Resolutions relative to Mons. Vattermare's system of International Literary Exchanges.**

*Preamble.* *Whereas*, Mons. Alexandre Vattermare, a citizen of France, has, with an unexampled zeal, devoted his time, his energies and his fortune to the philanthropic effort of establishing an intellectual confederacy among the nations of the earth :

*And whereas*, His system of international literary exchanges is not only promotive of science and the improvement of literature and the arts, but is also, conducive to the fraternization of governments and the diffusion of civilization through the globe.

*And whereas*, The project has been approved by the chambers and ministers of France, by the congress of the United States and the legislatures of several of the states, and by the statesmen and literati of both nations: Be it therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan*, That in grateful acknowledgment of his disinterested labors in the cause of humanity and civilization, and for the valuable works presented by him to the state, the thanks of the people of Michigan, are respectfully tendered to Mons. Alexandre Vattermare by the Representatives of the people in legislature convened.

*Governor.* *Resolved*, That his excellency the Governor, be and he hereby is authorized and requested to receive the parcel of books transmitted by Mons. Vattermare, through Lewis Cass, jr., Esq., to the state of Michigan, and also, the parcel consigned to E. Thayer & Co., forwarding merchants in the city of New York, and to place the same in the state library.

*Governor.* *Resolved*, That his excellency be and he hereby is further authorized and requested to transmit to Mons. Vattermare a copy of the revised statutes and session laws of the state of Michigan, together with the journals and documents of both houses of the legislature, and such maps of the several counties as are now completed.

*Geologist.* *Resolved*, That the State Geologist be and he hereby is authorized and requested to examine and report to the next legislature what duplicate specimens of the natural history of Michigan are in his department of the university.

## RESOLUTIONS.

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*Resolved*, That our Senators in Congress be instructed, and our Representatives be requested to use their best efforts to obtain the appointment of Mons. Alexandre Vattemare as an agent of the general government to act in behalf of this state, with power to conduct literary exchanges between France and the United States. Instruct Pass

*Resolved*, That his excellency he and he is hereby requested to transmit a copy of these resolutions, and the report of the committee on education to Mons. Vattemare and to each of our Senators and Representatives in Congress. Governor.

Approved March 12, 1844.





# APPENDIX.

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## STATE TREASURER'S REPORT.

STATE TREASURER'S OFFICE, }  
Detroit, December 1st, 1843. }

*To the Legislature of the State of Michigan :*

In obedience to the requirements of law, I have the honor herewith to submit an abstract of the receipts and expenditures from the State Treasury, for the fiscal year ending on the 30th ult.

Schedule A exhibits a summary of the receipts and expenditures to or from the several funds, with which accounts are kept on the books of this office. The balance of cash on hand at the commencement of the fiscal year, as per last report, being \$70,522,29, and the excess of receipts over expenditures being \$15,267,26, leaves a balance on hand at the end of the fiscal year just closed, amounting to \$85, 789,55.

Amongst the expenditures are included \$44,518 for treasury notes destroyed, which would have been increased \$15,000 or more, had not about that amount of those received as proceeds of the Central railroad, been hypothecated by direction of the Board of Internal Improvement, as collateral security for certain payments on account of railroad iron purchased for the extension of the Southern and Central railroads. A large portion of the other treasury notes on hand will undoubtedly never be required to be reissued, but are not destroyed, as holders of outstanding warrants on the general fund may at any

moment demand, and under the act authorizing their issue, are entitled to receive these notes in payment of their warrants. Of the \$258,120 of treasury notes issued under the act of April, 1841, this leaves outstanding, and in the treasury, the sum of \$120,000, which, but for the causes above alluded to, might have been reduced to \$70,000 or 80,000. As forming part of the expenditures, is also included the reduction of the delinquent tax bonds issued to counties from over \$109,000 to about \$37,000, and the redemption of \$4,000 of the delinquent tax stock, since the sales of land for taxes in October.

Schedule B gives the aggregate debit and credit transactions of each fund, for the further details of which the legislature are respectfully referred to the report of the Auditor General, in whose office auxiliary books are kept, as required by law, showing the condition of each specific appropriation, the several sources of revenue, and items of expenditure under appropriate heads.

The ledger balances to the debit and credit of the several funds or accounts, at the close of the fiscal year, are given in the subjoined statement marked C.

The accounts heretofore kept on the books of this office, with "State Bonds," as never being of any service in that form, and as leading at present to an erroneous exhibit of our state indebtedness, has been closed; and in lieu thereof, there has been prepared and is herewith submitted, marked D, a statement of our indebtedness on account of the five million loan, (including the two hundred thousand dollars for the Ypsilanti and Tecumseh, and Allegan and Marshall railroad companies, negotiated in connection therewith,) up to and including July 1st, 1845, to which time provision was made by an act of last winter, apparently satisfactory to all our bona-fide bond holders, for the payment of interest since the failure of the United States Bank, on the bonds issued for that loan, for which the state had received consideration, by the issue of bonds receivable after July 1, 1845, for public state lands, and redeemable after 1850; and appended thereto is a schedule of our other outstanding state stocks.

Of the bonds issuable under the above act, amounting in all to the sum of \$367,832,40, there have been issued and registered in this office, No's 1 to 319, inclusive, generally of \$1,000 each, except for such fractions as the amount of each parcel of coupons surren-

dered, and the interest thereon, required, making an amount equal to \$316,648,80 ; and the coupons for a portion of the balance have been forwarded and are awaiting the preparation of the bonds. Of the original \$1,387,000 of five million loan bonds, sold by the Morris Canal Company, as Agent of the state, to bona-fide purchasers, and specified by their numbers in the first section of the above mentioned act of last winter, \$3,000 are held by the U. S. War Department, in trust for certain Indian tribes ; and the interest for 1842, and part of that for 1843, has been paid upon them, and will undoubtedly continue to be met from time to time, so that bonds for the coupons upon them will not be called for. And the U. States Bank, in addition to the \$3,813,000 of five million loan bonds delivered under the agreement for the purchase of the balance of the loan, hold also \$42,000 of the above \$1,387,000 paid for prior to that negotiation, which are all hypothecated by the bank with various houses in Europe, according to a schedule of the numbers and amounts given in a communication to the Executive in December last, and submitted to the last legislature :—And it is therefore uncertain whether new bonds for those \$42,000, or for the amount of the other bonds paid for and held by that bank, may be called for, but whether they are or not, is immaterial as to the amount of the real or acknowledged indebtedness of the state.

The interest for January and July last on the \$31,000 Delinquent Tax Stock originally issued, has been paid ; and as previously stated, \$4,000 of the principal has been redeemed from the proceeds of the tax sales in October.

The interest on the \$36,000 of general fund stock, held by individuals, which fell due in May and Nov. last, has also been paid :—on the balance of this stock, amounting to \$64,000, which is held by the U. S. War Department, the interest for 1843, and a portion of that for Nov. 1842, remains unpaid.

Warrants have been issued under an act of last winter, making the interest on the penitentiary stock payable out of the general fund, for the interest due in 1842 and 1843, on the first \$20,000 of that stock ; but there having been nothing for the time being but the treasury notes of 1841 to the credit of the general fund, wherewith

to meet said warrants, they remain unpaid amongst the outstanding warrants on that fund.

The interest on the University stock, for the past fiscal year, has been paid under a law of last winter, directly for the state treasury, out of monies received to the credit of the University Interest fund, as it had been indirectly for the previous year, by instructions from the Board of Regents of the University. Although the income of the University fund is found ample for that purpose, and can always be relied upon to meet the interest on the loan of \$100,000 to the University, yet it is to be regretted that this absorbs so large a portion of the otherwise available means of that important institution.

The only state stocks, for which no provision has been made or means appear at present to exist for the payment of interest, are those issued in behalf of the Detroit and Pontiac, and Palmyra and Jacksonburg railroad companies. Liens upon the roads constructed by or belonging to said companies, and other collateral securities were given to secure those loans, and provision made for the sale of the roads and franchises of each of said companies, in case of their failure to meet the payment of the principal or interest of their respective loans, when due; but by an act of Feb. 11, 1842, the former company were granted the privilege of four years, and the latter, two years, from the passage of the act to pay up their indebtedness on account of those loans; and as required by the same act, the collateral securities of the former company have been surrendered; the conditions on which this was to be done, appearing to have been complied with. The interest since July, 1841, on the Detroit and Pontiac Railroad Stock, and since May 1841, on the Palmyra and Jacksonburg stock, remains unpaid either by the companies or the state, except on \$8,000 of the former held by the Treasurer of the United States for the Smithsonian fund, the interest on which for January and July 1842, and January 1843, has been paid by the state.

Appended to this report, marked E, is a table showing the aggregate amounts of warrants against the several funds outstanding on the 30th ult.

All of which is respectfully submitted,

JOHN J. ADAM,  
*State Treasurer.*

## (A.)

*Receipts and Expenditures for the fiscal year commencing December 1st, 1842, and ending November 30th, 1843.*

*Receipts.*

General fund, *	\$30,197 39
Delinquent tax fund,	195,674 52
Redemption account,	528 90
State building fund,	1,156 25
Primary school fund,	14,125 60
Primary school interest fund,	19,406 56
University fund,	1,992 84
University interest fund,	7,284 32
Internal Improvement fund,	99,257 08
Sinking fund,	33,333 36
Unavailable fund,	182 79
	<hr/>
	\$402,139 61

*Expenditures.*

General fund,	\$75,923 50
Delinquent tax fund,	137,565 41
Redemption account,	15 40
Contingent fund,	472 23
Library fund,	17 38
Geological fund,	200 00
Bank fund,	182 79
Primary school fund,	2,545 53
Primary school interest fund,	20,878 26
University fund,	29 15
University interest fund,	7,396 55
Internal improvement fund,	93,968 51
Treasury notes,	44,518 00
Treasury notes interest,	3,159 64
	<hr/>
	\$386,872 35

\*The General Fund had not been credited for all that portion of state tax for 1842, paid by return of delinquent taxes to the office of the Auditor General, as at the commencement of the present fiscal year, in order to diminish the entries and transfers necessary in keeping the accounts as two separate funds on the general ledgers, the final result being the same, it was concluded to merge them into one general account.

## (B.)

*Aggregate debits and credits to the several funds and accounts, for fiscal year ending Nov. 30th, 1843.*

1843.	Cash.	DR.
To balance Nov. 30th, 1842,		\$70,522 29
To receipts to the several funds, Dec. 1, 1842,—		
Nov. 30, 1843,		\$402,139 61
		<u>\$472,661 90</u>
1843.	Cash.	CR.
By warrants, interest on stock, &c., paid Dec. 1,		
1842—Nov. 30, 1843,		\$386,872 35
By balance on hand,		85,789 55
		<u>\$472,661 90</u>
1843.	General Fund.	DR.
To cash, paid warrants, &c., Dec. 1, 1842—Nov.		
30, 1843,		\$75,923 50
To contingent fund, transfer under act No. 79,		
1843,		1,000 00
To bank fund, paid warrant on this fund,		182 79
To balance,		108,291 25
		<u>\$185,397 54</u>
1843.	General Fund.	CR.
By balance Nov. 30th, 1842,		\$10,327 48
“ cash, received Dec. 1, 1842—Nov. 30, 1843,		30,197 39
“ delinquent tax fund, for warrants paid from		
general fund,		134 50
“ do this amount paid to credit		
of delinquent tax fund,		81 71
“ do transfer under act No. 4,		
1843,		15,000 00
“ do office charges on taxes		
paid at this office,		3,337 76
Carried forward,		<u>\$59,078 84</u>

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Brought forward,	\$59,078 84
" do to balance account delin-	
quent tax fund,	124,973 28
" state prison fund, to balance account,	500 00
" Internal improvement fund, for interest paid	
on internal improvement stock,	41 27
" do to meet warrants drawn	
on general fund,	804 21
	<u>\$185,397 54</u>
1843. <i>Delinquent Tax Fund.</i>	DR.
To cash paid warrants,	\$137,565 41
" General fund, transfer per act No. 79, 1843,	
and for office charges, &c.,	18,553 97
" do to balance account,	124,973 22
	<u>\$281,092 60</u>
1843. <i>Delinquent Tax Fund.</i>	CR.
By balance Nov. 30th, 1842,	\$85,418 08
" cash received Dec. 1, 1841—Nov. 30, 1843,	195,674 52
	<u>\$281,092 60</u>
1843. <i>Redemption Account.</i>	DR.
To cash, paid warrant,	\$15 40
" balance,	512 50
	<u>\$528 90</u>
1843. <i>Redemption Account.</i>	CR.
By cash, for redemption of lands sold for taxes of	
1840,	528 90
	<u>528 90</u>
1843. <i>Contingent Fund.</i>	DR.
To cash, paid warrants,	\$472 28
" balance,	1,446 89
	<u>\$1,919 12</u>

1843.	<i>Contingent Fund.</i>	<i>CR.</i>
By balance Nov. 30th, 1842,		\$805 24
“ general fund, transfer under act No. 79, 1843,		1,000 00
“ Internal improvement fund, paid towards locating state lands, &c.,		113 88
		<u>\$1,919 12</u>
1843.	<i>Library Fund.</i>	<i>DR.</i>
To cash paid warrant,		\$17 38
“ balance,		3,078 34
		<u>\$3,095 72</u>
1843.	<i>Library Fund.</i>	<i>CR.</i>
By balance, Nov. 30th, 1842,		<u>\$3,095 72</u>
1843.	<i>State Prison Fund.</i>	<i>DR.</i>
To general fund, to balance account,		\$500 00
1843.	<i>State Prison Fund.</i>	<i>CR.</i>
By balance, Nov. 30th, 1842,		<u>\$500 00</u>
1843.	<i>Geological Fund.</i>	<i>DR.</i>
To cash paid warrant,		<u>\$200 00</u>
1843.	<i>Geological Fund.</i>	<i>CR.</i>
By balance, Nov. 30th, 1842,		<u>\$200 00</u>
1843.	<i>State Building Fund.</i>	<i>DR.</i>
To balance,		<u>\$2,727 44</u>
1843.	<i>State Building Fund.</i>	<i>CR.</i>
By balance, Nov. 30th, 1842,		\$1,571 19
“ cash received Dec. 1, 1842—Nov. 30, 1843,		1,156 25
		<u>\$2,727 44</u>
1843.	<i>Bank Fund.</i>	<i>DR.</i>
To cash paid warrant,		<u>\$182 79</u>
1843.	<i>Bank Fund.</i>	<i>CR.</i>
By general fund, to meet warrant,		<u>\$182 79</u>



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1843.	<i>Primary School Fund.</i>	<i>DR.</i>
To cash paid Thos. Beals under act No. 106, 1840,		\$2,000 00
“ cash, paid warrant for taxes on forfeited school lands, &c.,		545 53
“ balance,		41,245 23
		<u>\$43,790 76</u>
1843.	<i>Primary School Fund.</i>	<i>CR.</i>
By balance, Nov. 30, 1842,		\$29,665 16
“ cash, received Dec. 1, 1842—Nov. 30, 1843,		14,125 60
		<u>\$43,790 76</u>
1843.	<i>Primary School Interest Fund.</i>	<i>DR.</i>
To cash paid warrants,		\$20,878 26
“ balance,		7,299 13
		<u>\$28,176 39</u>
1843.	<i>Primary School Interest Fund.</i>	<i>CR.</i>
By balance, Nov. 30, 1842,		\$8,769 83
“ cash, received Dec. 1, 1842—Nov. 30, 1843,		19,406 56
		<u>\$28,176 39</u>
1843.	<i>University Fund.</i>	<i>DR.</i>
To cash, paid taxes on forfeited university lands,		\$29 15
“ balance,		6,484 36
		<u>\$6,513 51</u>
1843.	<i>University Fund.</i>	<i>CR.</i>
By balance, Nov. 30th, 1842,		\$4,520 67
“ cash, received Dec. 1, 1842—Nov. 30, 1843,		1,992 84
		<u>\$6,513 51</u>
1843.	<i>University Interest Fund.</i>	<i>DR.</i>
To cash, paid interest on stock, and treasurer of university,		\$7,396 55

1843.	<i>University Interest Fund.</i>	CR.
By cash, received Dec. 1, 1842—Nov. 30, 1843,		\$7,284 32
" balance, amount overdrawn,		112 23
		<hr/> \$7,396 55 <hr/>
1843.	<i>Internal Improvement Fund.</i>	DR.
To balance, Nov. 30th, 1842,		\$214,384 26
" cash, paid warrants, interest on stock, &c.,		93,963 51
" general fund, for interest paid from, and war- rants drawn on this fund,		845 48
To contingent fund, part expenses locating state lands,		113 83
To Attorney General, drafts transferred to trus- tees state assets,		15,307 50
To unavailable fund, transferred to trustees, &c.,		1,830 95
		<hr/> \$326,450 58 <hr/>
1843.	<i>Internal Improvement Fund.</i>	CR.
By cash, warrants received from sale of state lands, assets, &c.,		\$99,257 08
By sinking fund, credit balance of that fund trans- ferred,		32,333 36
By balance,		194,860 14
		<hr/> \$326,450 58 <hr/>
1843.	<i>Sinking Fund.</i>	DR.
To internal improvement, to balance account,		<hr/> \$32,333 36 <hr/>
1843.	<i>Sinking Fund.</i>	CR.
By cash, received as proceeds of Central railroad		\$32,074 21
By cash, premium on money deposited in New York,		247 15
By cash, proceeds of uncurrent money left by G. W. Jermain, late treasurer,		12 00
		<hr/> \$32,333 36 <hr/>

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1843.	<i>Treasury Notes.</i>	<i>DR.</i>
To this amount cancelled and destroyed,		\$44,518 00
" balance,		120,000 00
		<u>\$164,518 00</u>
1843.	<i>Treasury Notes.</i>	<i>CR.</i>
By balance, Nov. 30th, 1842,		<u>\$164,518 00</u>
1843.	<i>Treasury Notes Interest.</i>	<i>DR.</i>
To balance, Nov. 30th, 1842,		\$7,163 58
" interest paid Dec. 1, 1842—Nov. 30, 1843,		3,159 64
		<u>\$10,323 22</u>
1843.	<i>Treasury Notes Interest.</i>	<i>CR.</i>
By balance,		<u>\$10,323 22</u>
1843.	<i>Attorney General.</i>	<i>DR.</i>
To this amount drafts in hand for collection,		<u>\$15,807 50</u>
1843.	<i>Attorney General.</i>	<i>CR.</i>
By internal improvement fund, transferred to trustees state assets,		<u>\$15,807 50</u>
1843.	<i>Unavailable Fund.</i>	<i>DR.</i>
To balance, Nov. 30th, 1842,		<u>\$2,013 74</u>
1843.	<i>Unavailable Fund.</i>	<i>CR.</i>
By cash, this amount made available,		\$162 79
" internal improvement fund, transferred as state assets, &c.,		1,830 95
		<u>\$2,013 74</u>

(C.)

*Ledger Balances on State Treasurer's Books, Nov. 30, 1843.*

	<i>DR.</i>	
Cash,		\$85,789 55
University interest fund,		112 23
Carried forward,		<u>\$85,901 78</u>
25		

Brought forward,	\$85,901 78
Internal Improvement fund,	194,860 14
Treasury notes, interest,	10,323 22
	<hr/>
	<u>\$291,085 14</u>

## CR.

General fund,	\$108,291 25
Redemption account,	513 50
Contingent fund,	1,446 89
Library fund,	3,078 34
State Building fund,	2,727 44
Primary school fund,	41,245 23
Primary school interest fund,	7,298 13
University fund,	6,484 36
Treasury notes,	120,000 00
	<hr/>
	<u>\$291,085 14</u>

## (D.)

*State indebtedness on account of Five Million Loan, including interest, bonds, and interest to July 1, 1845.*

Bonds sold by Morris Canal Co., as Agent of the state, and paid for, specified by numbers and amounts in section one, act No. 73, laws of 1843,	\$1,387,000 00
Bonds issuable under above act for interest on above, to July 1, 1845,	367,832 40
Amount paid by U. S. Bank and Morris Canal Co. on the \$3,813,000 delivered to them under agreement for purchase of balance of five million loan (including the \$200,000 issued for the Ypsilanti and Tecumseh, and Allegan and Marshall railroad companies,) deducting damages	
	<hr/>
Carried forward,	1,754,832 40

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Brought forward,		\$1,754,832 40
claimed under act No. 60 and joint resolution No. 28, 1842,		955,960 25
Interest for same, to July 1, 1845, as per act No. 73, 1843,		253,520 66
Amount received from Morris Canal Co., assets, June, 1843,	\$19,874 73	
Interest on same to July 1, 1845,	2,484 34	
		22,359 07
Amount received from Morris Canal Co., assets, October, 1843,	\$955 00	
Interest on same to July 1, 1845,	97 89	
		1,052 89
Total due on five million loan, so call- ed, to July 1, 1845,*		<u>\$2,987,725 27</u>

*Other Outstanding State Stocks.*

General fund stock,	\$100,000
Penitentiary stock,	60,000
Delinquent tax stock, (originally \$31,000)	27,000
University stock,	100,000
Detroit and Pontiac Railroad stock,	100,000
Palmyra and Jacksonburg railroad stock,	20,000
	<u>\$407,000</u>

## [E.]

*Warrants outstanding Nov. 30th, 1843.*

Internal Improvement fund,	\$342,441 29
General fund, (including state prison and delin- quent tax funds,)	24,330 78
Primary school fund,	9,019 00
Primary school interest fund,	80 50
	<u>\$375,871 57</u>

\* From bonds issuable under act No. 73, 1843, and total due on five million loan, should be deducted \$730 for interest on \$3,000, five million in bonds held by U. S. War Department, part of which has been paid, and the balance of which will be met or arranged from time to time, as it falls due.



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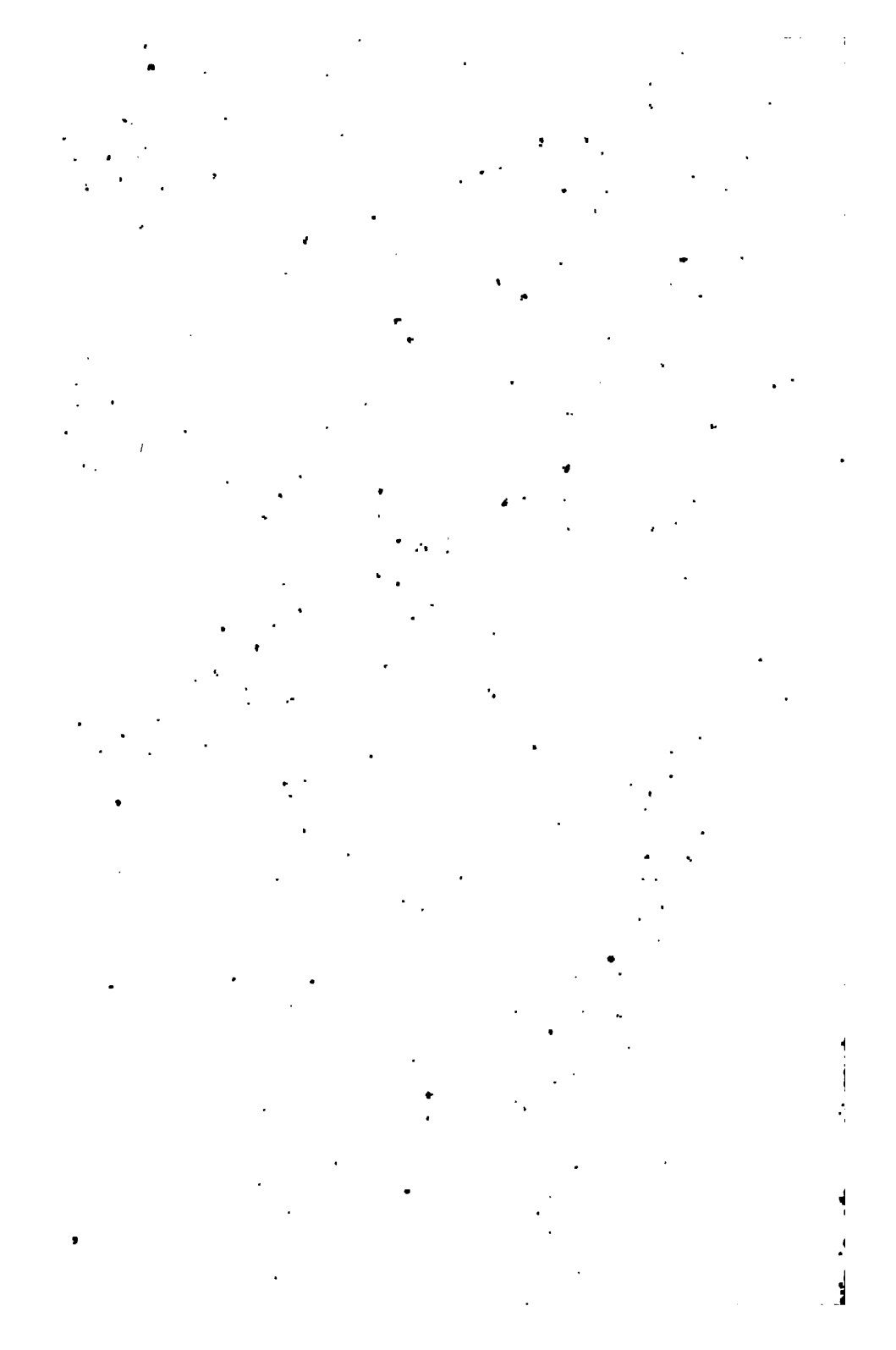
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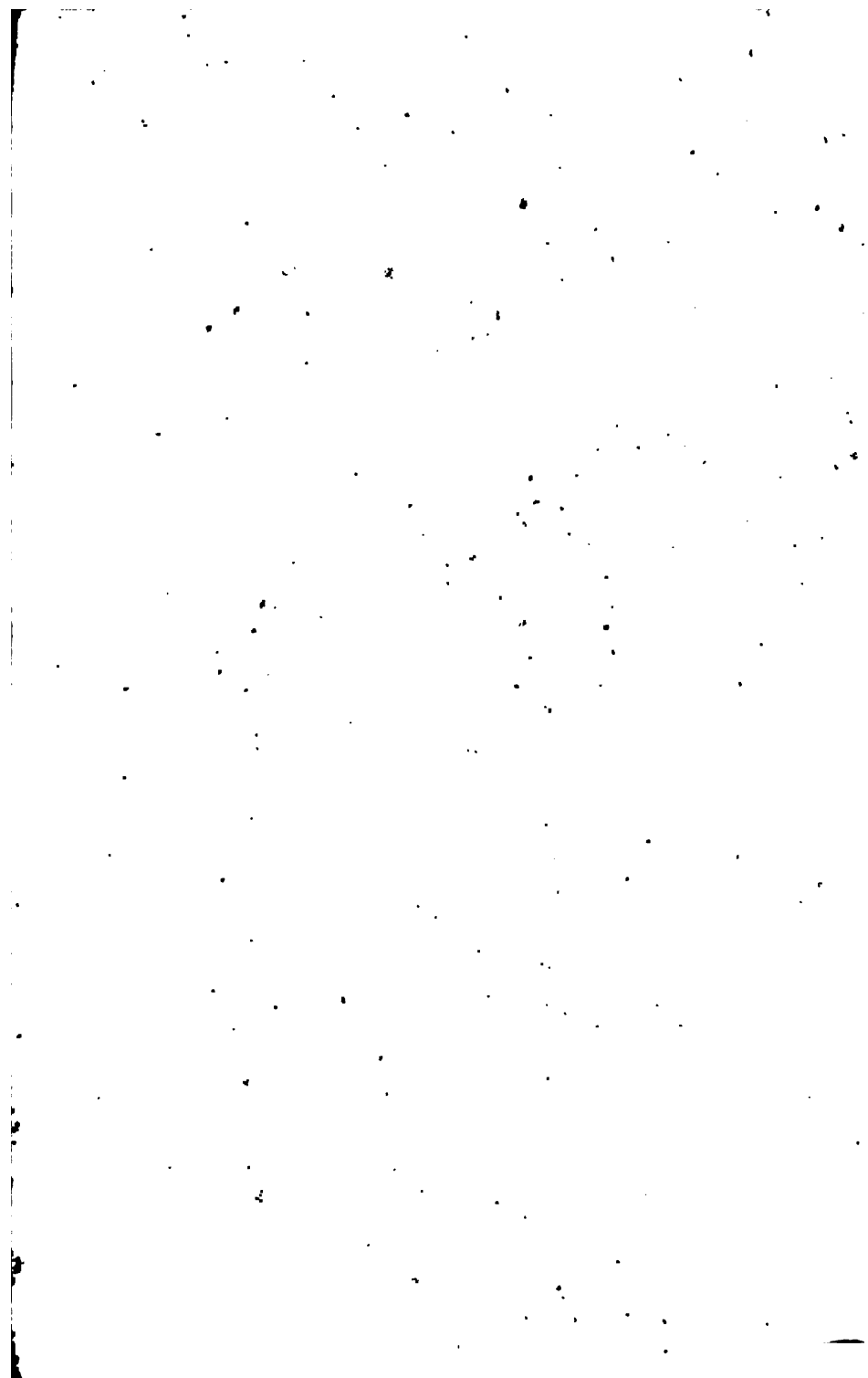
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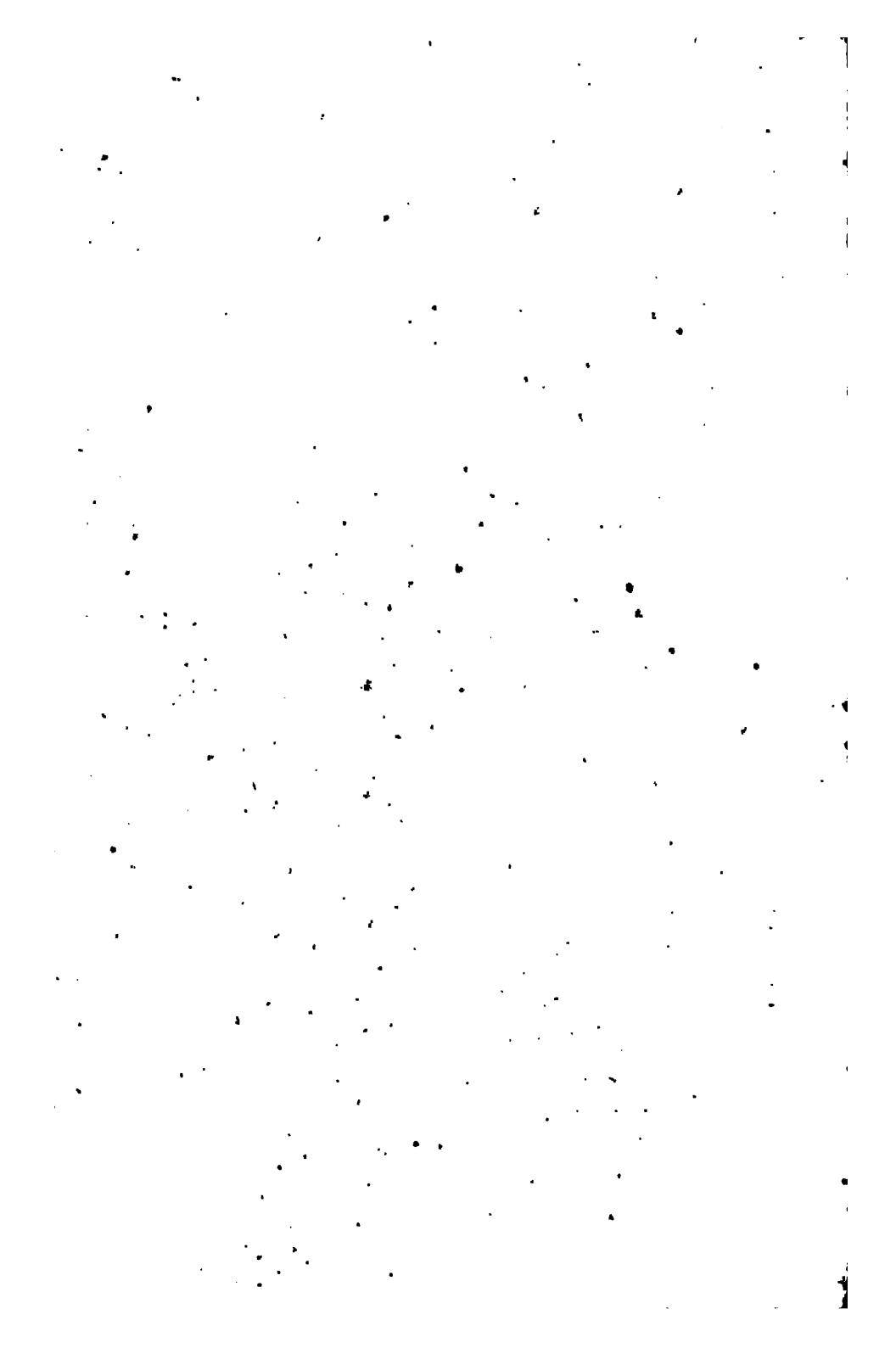
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**ACTS**  
**OF**  
**THE LEGISLATURE**  
**OF THE**  
**STATE OF MICHIGAN,**  
**PASSED AT THE ANNUAL SESSION OF 1845.**  
**WITH AN**  
**APPENDIX,**  
**CONTAINING THE TREASURER'S ANNUAL REPORT:**

**BY AUTHORITY.**

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**Detroit:**

**BAGG & HARMON, PRINTERS TO THE STATE.**

**1845.**



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# LAWS OF MICHIGAN.

## No. 1.

**AN ACT** to provide for the payment of officers and members of the Legislature, and for other purposes :

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there be and is hereby appropriated out of any monies in the state treasury, the sum of fifteen thousand dollars for the payment of members and officers of the legislature for the present year, and for defraying the incidental expenses thereof. \$15,000 appropriated.

**Sec. 2.** The State Treasurer is hereby authorized and directed out of the appropriations aforesaid, to pay the members of the legislature for the present year, from time to time, upon the certificate of the President of the Senate, and Speaker of the House of Representatives respectively, such sums as may be due to the several members thereof, at the rate of three dollars per day, and three dollars for every twenty miles travel to and from the capitol ; and to the President of the Senate to be certified by the Secretary of the Senate, and to the Speaker of the House of Representatives, upon the certificate of the clerk thereof, six dollars per each day, and travel as aforesaid. And to the Secretary of the Senate, and Clerks and Sergeants-at-arms of the two houses respectively, three dollars per day each ; and to the firemen of said houses, one dollar and fifty cents per day each, on the certificate aforesaid. Pay of members & officers.

**Sec. 3.** The State Treasurer is hereby authorized to make any transfer of funds that may be necessary for the purposes of this act.

**Sec. 4.** That the State Treasurer be, and he is hereby authorized to pay upon the certificate of the Speaker of the House of Representatives, such sum as may be due Thomas Kealy for travel to and from the Capitol, at the rate of three dollars for every twenty miles, and three dollars for every day's attendance while claiming a seat as a member of the House of Representatives during the present session. Treasurer.

**The's Kealy**      **Sec. 5.** That there be and is hereby appropriated out of any money in the state treasury not otherwise appropriated, a sum sufficient for the purpose aforesaid.

**Appropriation of funds**      **Sec. 6.** This act shall take effect and be in force from and after its passage.

Approved January 17, 1845.

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**No. 2.**

**AN ACT to vacate a part of the corporate limits of the village of Niles:**

**Village of Niles—certain portions vacated.**      **Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all that part of the corporate limits of the village of Niles, composed of lots numberd two hundred and twenty-two, two hundred and twenty-three, two hundred and twenty-four, two hundred and twenty-five, two hundred and twenty-six, two hundred and twenty-seven, two hundred and twenty-eight, two hundred and twenty-nine, two hundred and thirty, two hundred and thlrty-one, two hundred and thirty-two, two hundred and thirty-three, two hundred and seventy, two hundred and seventy-one, two hundred and seventy-two, two hundred and seventy-three, two hundred and seventy-four, two hundred and seventy-five, two hundred and seventy-six and two hundred and seventy-seven, together with that part of Phoenix street lying between the blocks made up of the lots aforesaid, in O. P. Lacey's addition to the village of Niles, be and the same is hereby vacated; and that so much of any act or acts heretofore passed as included said lots and portion of said street, within the limits of said corporation, be and the same is hereby repealed.

Approved February 3, 1845.

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**No. 3.**

**AN ACT to change the terms of the Court of Chancery for the first circuit:**

**Court of Chancery—first Circuit—Terms altd.**      **Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the terms of the Court of Chan-

## LAWS OF MICHIGAN.

3

cary for the first circuit, be, and they are hereby changed from the first Tuesday in February and the third Tuesday in July, in each year, to the second Tuesday in March and the third Tuesday in September, in each and every year.

Sec. 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved February 3, 1845.

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### No. 4.

**AN ACT** to provide for paying the assistant librarian, the private secretary of the Governor, and the messengers of the two Houses of the Legislature.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there be, and hereby is appropriated, to be paid out of the general fund, the sum of six hundred dollars, or so much thereof, as may be necessary to pay the assistant librarian, three dollars per day during the time he has been or may be in the service of the State, to be paid on the certificate of the Secretary of State; the private secretary of the Governor, three dollars per day during the time he has been and may be in the service of the State, to be paid on the certificate of the Governor; and the messengers of the Senate, each, one dollar per day during the session of the Legislature, to be paid on the certificate of the President of the Senate; and the messengers of the House of Representatives, each, one dollar per day during the session of the Legislature, to be paid on the certificate of the Speaker of the House of Representatives.

Appoint  
Private Se-  
cretary.

Sec. 2. This act shall be in force from and after its passage.

Approved, February 3, 1845.

## LAWS OF MICHIGAN.

## No. 5.

## AN ACT to incorporate the Misses Clark's School, at Ann Arbor.

Names.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That George Miles, Hiram Becker, William R. Perry, H. B. Harris, Austin M. Gould, George Sedgwick and Volney Chapin, together with such other persons as may become stockholders of the incorporation hereby created, shall be, and they are hereby constituted and declared, a body corporate and politic, by the name of "the Misses Clark's School, at Ann Arbor," and in their corporate name may sue and be sued, may have a common seal, which they may renew at pleasure, and shall have, enjoy, and may exercise all the powers, rights and privileges which appertain to corporate bodies, for the purposes expressed in this act.

Cap'tl stock.

Sec. 2. The capital stock of the said corporation shall not exceed the sum of ten thousand dollars, and shall be divided into shares of ten dollars each.

May sue &amp;c

Sec. 3. The corporation hereby created shall be capable in law to purchase, take, receive, hold and enjoy any estate, real and personal whatever, for the purposes of this incorporation, to an amount not exceeding ten thousand dollars, and to lease, sell and convey or otherwise dispose of the same.

Trustees.

Sec. 4. There shall be seven trustees of the said corporation, who shall be members thereof, and who shall manage all the affairs thereof; and the first trustees shall be George Miles, Hiram Becker, William R. Perry, H. B. Harris, Austin M. Gould, George Sedgwick and Volney Chapin, who shall hold their offices until the first Monday in January, 1846, and until others are elected in their places.

General meeting.

Sec. 5. There shall be, on the first Monday of January, 1846, and on the first Monday of January in every succeeding year, a general meeting of the stockholders of said corporation, at some convenient place in the village of Ann Arbor, to be designated by the by-laws of said corporation; and a majority of the stockholders who shall meet in person or by proxy, shall elect by ballot, seven of the stockholders to be trustees of said corporation for the year then next ensuing.

Power of Trustees.

Sec. 6. The trustees of said corporation shall have power to choose from out of their number, a president, a treasurer, and a secretary,



who shall immediately enter upon the duties of their offices, and hold the same from the time of their election until the first Monday of January of the ensuing year, and until others are chosen in their stead; and in case any of the trustees shall die, resign, refuse or neglect to act, then, and in any such case, the remaining trustees may, within thirty days thereafter, elect by ballot other stockholders of the said corporation in their stead, who shall hold their offices in the same manner as those first elected.

Sec. 7. Each stockholder shall be entitled to one vote for each share <sup>Vote.</sup> of which he shall be the holder. And the said trustees shall receive subscriptions for shares in said corporation until the capital stock may be subscribed; the said shares shall be assignable and transferable according to such rules as the board of trustees shall from time to time make and establish, and shall be considered personal property.

Sec. 8. In case it should, at any time, happen that an election of the trustees should not be made on any day when, pursuant to this <sup>Where elections may be held.</sup> act, it ought to have been made, the said corporation shall not, for that cause be dissolved; but it shall and may be lawful on any other day, to hold an election for trustees in such manner as shall be provided by the by-laws and ordinances of said corporation.

Sec. 9. Whenever any judgment shall be rendered against said <sup>Execution.</sup> corporation, execution may issue thereon, and be levied upon the corporate property of said corporation, (if it be found) by the officer holding such execution within his county. If there be no such property found, sufficient to satisfy such execution, it may then be levied upon the property of any of the trustees of said corporation. If there be no property of said trustees found, sufficient to satisfy said execution, it may then be levied upon the property of any of the stockholders of said corporation.

Sec. 10. Each stockholder shall be liable only to the amount of his <sup>Stockholder liable.</sup> stock subscribed. And the board of trustees from time to time duly elected, shall at least ten days previous to each annual election of said board, cause a corrected list of the names of all the trustees and stockholders of said corporation, and the amount of stock owned by each, to be filed in the office of the county clerk, of the county of Washtenaw; and said corrected list or a certified copy of the same when filed, shall be prima facie evidence that the individuals therein

named, are stockholders therein, and conclusive evidence of the same in all courts of law, unless satisfactorily rebutted in every such court upon an issue found therein: *Provided*, That the list last filed as aforesaid, previous to the commencement of any suit by or against said corporation, shall be used as such evidence in the progress of said suit.

Power to  
sell.

Sec. 11. Said trustees shall have power to establish within the corporate limits of the village of Ann Arbor, in the county of Washtenaw, an institution for the instruction of young ladies in the various branches of literature and science.

Funds ap-  
plied.

Sec. 12. The board of trustees shall faithfully apply the funds by them from time to time collected and received, in providing suitable buildings, supporting officers and instructors, in procuring books, maps, philosophical apparatus and other articles necessary to insure a successful prosecution of study and preserve the health of the pupils.

Sec. 13. This act is hereby declared to be a public act, and copies thereof, printed by authority of the State, shall be received as evidence thereof in all the State's courts.

Approved February 10, 1845.

## No. 6.

### AN ACT to provide for repairing the Jail in the county of Wayne.

Board of  
County Au-  
ditors to  
build jail.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Michigan*. That the Board of County Auditors of Wayne county be, and they are hereby authorized and empowered, to repair, re-model and re-construct the interior portion of the jail of said county, in a manner most conducive to the health and safe keeping of the prisoners therein, from time to time confined.

Expenditure  
therefor.

Sec. 2. The expenditures for such repairing, re-modelling and re-construction shall not in the aggregate exceed the sum of three thousand dollars, which sum may be raised by said board, either from unappropriated monies in the treasury of said county by adding the same to the ordinary county tax, or by negotiating a loan therefor upon the credit of the county of Wayne, as the said board may deem most expedient.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved February 15, 1845.

No. 7.

AN ACT to authorize Samuel Demarest, Clark L. Demarest, Samuel L. Demarest, John Green and Josiah Russell, to build a dam across Flat River, in the county of Montcalm.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Michigan*, That Samuel Demarest, Clark L. Demarest, Samuel L. Demarest, John Green and Josiah Russell their heirs and assigns, be, and they are hereby authorized and empowered, to build a dam across Flat river, in the county of Montcalm, on section No. nine (9) township No. nine (9) north of range No. eight (8) west: *Provided*, The title of the said described land is at the time of erecting the said dam vested in said Samuel Demarest, Clark L. Demarest, Samuel L. Demarest, John Green and Josiah Russell, or that they obtain permission of the owners thereof to erect the dam aforesaid. Samuel Demarest authorized to build a dam.

Sec. 2. Said dam shall not exceed four feet in height above low water mark, and shall have a good and sufficient sluice or apron of convenient width and dimensions to admit the safe passage of rafts of every kind down that river, and such boats and canoes as may navigate the same, which said sluice or apron shall be kept in good repair and condition by the person or persons using said dam. Height of dam.

Sec. 3. Nothing in this act shall authorize any persons above named, their heirs or assigns to enter upon or flow the lands of any other person or persons: *Provided*, That the occupant of said dam shall so construct therein or thereat a convenient lock for the safe passage of boats, canoes, rafts, or other water craft, whenever the circuit court of said county shall order upon good cause shown.

Sec. 4. If at any time hereafter the waters should be required to be drawn from said river for the purpose of internal improvement or navigation, it shall not be lawful for the said Samuel Demarest, Clark L. Demarest, Samuel L. Demarest, John Green and Josiah Russell, Int. Imp.

or any other person or persons owning said dam, to claim or recover any damages therefor.

Sec. 5. The legislature may at any time amend or repeal this act.

Approved February 17, 1845.

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### No. 8.

**AN ACT** to amend an act entitled "an act to incorporate the Detroit and Grand River Plank Road Company," approved March 12, 1844.

**Cap'tl stock.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section two of an act entitled "An act to incorporate the Detroit and Grand River Plank Road Company," approved March 12, 1844, be amended by striking out in the third line of section two of said act the words "its whole" and inserting in lieu thereof the words "ten thousand dollars of its," so that said section as amended shall read as follows: "The capital stock of the said company shall be fifty thousand dollars, to consist of and be divided into one thousand shares of fifty dollars each, and it shall be lawful for the said company whenever ten thousand dollars of its capital stock shall have been subscribed, and one thousand dollars paid in, to commence its business, and with that capital to conduct and carry on the same until the said company shall deem it expedient to call in its remaining capital, and the commissioners shall make such distribution of the stock as they may deem for the best interests of the company."

**Completion of road.** Sec. 2. That section sixteen be amended by striking out in the third line the word "five" and inserting in the place thereof the word "ten" so that said section as amended, will read as follows: "If the said company shall not complete eleven miles of the said road within five years from the passage of this act, and the balance of it within ten years from the passage hereof, or if either of the toll gates on said road shall be kept open for the period of two months after notice is given that said road is out of repair, agreeable to the provisions of the eleventh section of this act, then and in either case the power and privileges granted to said company by this act shall cease and be null and void."

## LAWS OF MICHIGAN.

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Sec. 3. This act shall take effect and be in force from and after its passage.

Approved February 17, 1845.

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### No. 9.

**An Act to amend an act entitled an act amendatory to the several acts incorporating the Trustees of the Wesleyan Seminary at Albion :**

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the words "the said trustees shall have power to fill all vacancies in their own board," in the the first and second lines of section three of an act entitled, an act amendatory to the several acts incorporating the trustees of the Wesleyan Seminary at Albion, approved March 6th, 1841, be stricken out, and that said section be amended to read as follows : That the power to fill all vacancies accruing in the board of trustees of said Wesleyan Seminary at Albion, by removal, death, expiration of term of office, or otherwise, is hereby and hereafter vested in the Michigan annual conference of the Methodist Episcopal church, who shall elect said trustees by ballot. All provisions in the act to which this is amendatory, to the contrary notwithstanding : *Provided,* The trustees who are now in office shall continue therein until the next meeting of the said annual conference, and that there shall then be an election of one class of trustees and a like election at each session of said conference thereafter. Each trustee so elected shall receive a certificate from the secretary of said conference, which certificate shall be recorded in the county register's office of the county of Calhoun, and said trustees shall have power to make by-laws for their own government, to elect or appoint the faculty of the institution, except the principal, who shall be appointed by the Michigan annual conference of the Methodist Episcopal church, to prescribe the course of study, attend the examinations, and regulate the government and instructions of the students, and manage the affairs of said corpor-

Wesleyan  
Seminary.

tion in such manner as they may deem best calculated to promote the object of this act.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 17, 1845.

### No. 10.

**AN ACT to amend an act authorizing William W. Bliss administrator of Harvey Bliss, &c. deceased, to convey certain real estate, approved Feb. 22, 1843.**

Wm. W.  
Bliss to con-  
vey certain  
lands.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Michigan*, That an act entitled "an act authorizing William W. Bliss administrator, &c., of Harvey Bliss, &c., deceased, to convey certain real estate," approved February 22, 1843, be, and the same is hereby amended by striking out the letter J. in the twenty-fourth line of section one, and inserting the letter T. in place thereof, so that the name occurring in the twenty-fourth and twenty-fifth lines of said section one, will read, Pardon T. Davenport.

Sec. 2. This act shall take effect from and after its passage.

Approved February 20, 1845.

### No. 11.

**AN ACT for the relief of George Davis.**

George Da-  
vis.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Michigan*, That the Auditor General is hereby authorized and required to issue his warrant in favor of George Davis for three hundred and five dollars and sixty-five cents, and that sum is hereby appropriated for the payment thereof out of the general fund, which sum shall be in full payment for carpenter and joiner work, done by said Davis, under a contract dated December the seventh, 1839, with Thomas Clark, to build a house in the village of Ypsilanti, which house, when partially completed, was sold by said Clark to the state.

Sec. 2. This act shall take effect from and after its passage.

Approved February 20, 1845.

No. 12.

**AN ACT to amend an act entitled "an act for the destruction of Wolves."**

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Michigan*, That the twelfth section of an act entitled "An act for the destruction of wolves," approved February the ninth, one thousand eight hundred and thirty-eight, be and the same is hereby repealed. <sup>12th section repealed.</sup>

Sec. 2. That the first section of the said act (after the enacting clause) be so amended as to read, that every person being an inhabitant of this state, including Indians living within this state, who shall kill a full grown wolf or wolf's whelp in any organized township within the Lower Peninsula of this state, shall be entitled to a bounty of ten dollars for each full grown wolf, and five dollars for each wolf's whelp to be allowed and paid in the manner hereafter provided. <sup>Amended.</sup>

Sec. 3. That the act to which this is amendatory, be and is hereby continued in force as amended by the provisions of this act from and after the tenth day of February instant, at which time this act shall take effect.

Approved February 20, 1845.

No. 13.

**AN ACT to amend "an act authorizing the construction of a wagon road on the line of the Northern rail-road :"**

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the first section of an act entitled an act authorizing the construction of a wagon road on the line of the Northern railroad, approved March 9th, 1843, be, and the same hereby amended by adding thereto the following : "*Provided, That the distance south from the centre of that part of the line of the said road which lies in the county of Ionia shall extend one-half of one mile only,*" so that the said section as amended shall read as follows : <sup>Whereof.</sup>

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That for the purpose of constructing a <sup>Proviso.</sup>

Highway  
tax appro-  
priated.

wagon road on the line of the Northern railroad, there shall be appropriated to be expended as hereinafter directed, the highway tax which may be hereafter assessed upon the lands owned by non-residents on the line of said road, for the distance of three miles each way from the centre thereof: *Provided*, That the distance south from the centre of that part of the line of the said road which lies in county of Ionia shall extend one-half of one mile only.

Amendment.

Sec. 2. That the second section of aid act be, and the same is hereby amended so as to read as follows: "Whenever any lot or description of land assessed shall extend beyond the distance before limited, or any part thereof shall be embraced within the three miles and the one-half of one mile aforesaid, the highway tax assessed on such lot or description of land shall accrue to the road fund."

Sec. 3. That all acts and parts of acts contravening the provisions of this act are hereby repealed.

Approved February 20, 1845.

## No. 14.

**AN ACT to provide for the completion of the Palmyra and Jacksonburg railroad, as a branch of the Southern railroad.**

Palmyra &  
Jacksonburg  
Rail-road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of State of Michigan*, That for the purpose of renewing the superstructure of the Palmyra and Jacksonburg Railroad, between the Southern Railroad and the village of Tecumseh, as far as the same may be necessary, and otherwise fitting that portion of said road ready for iron, there be, and are hereby appropriated, ten thousand acres of the internal improvement lands belonging to this State.

Payments.

Sec. 2. In payment of all estimates upon contracts made under this act, the Auditor General shall draw a scrip, not bearing interest, and payable only in lands at the State Land Office for internal improvement lands, whenever a sufficient amount of said scrip or other funds by law receivable for said lands, shall be presented to pay for any such legal sub-division or other fraction as shall then be subject to sale or entry.



Sec. 3. For the purpose of purchasing iron and spike, and for <sup>For purchase of iron & spike.</sup> payment of the transportation of the same, to iron the road above mentioned, a sum not exceeding twelve thousand dollars of the net proceeds of the business done on said road and derived therefrom, be, and the same is hereby appropriated; and the board of internal improvement are hereby authorized to contract for such iron and spike' and for the transportation of the same, and to pledge the net proceeds aforesaid for the payment thereof.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved, February 22, 1845.

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No. 15.

**AN ACT to provide for the completion of the Central Railroad from Marshall to Kalamazoo.**

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there be, and there is hereby <sup>Appropriation on Central R. R.</sup> appropriated out of the five hundred thousand acres of land granted by the general government to this State for the purposes of internal improvement, twenty thousand acres of land for the purpose of completing the Central Railroad from Marshall to Kalamazoo, and the building of a car-house at Kalamazoo, the station buildings at Battle Creek, Augusta and Galesburg, the necessary side-tracks, turn-rounds and wells, the settlement of damages for right of way, and the payment of the retained per centages at the time of re-letting the work.

Sec. 2. In payment of all estimates upon contracts made under <sup>Payment.</sup> this act, the Auditor General shall draw a scrip, not bearing interest, and payable only in lands, at the State Land Office, for internal improvement lands, whenever a sufficient amount of said scrip or other funds by law receivable for said lands shall be presented to pay for any such legal sub-division or other fraction as shall then be subject to sale or entry.

Approved February 22, 1845.

## No. 16.

## AN ACT to amend the law in relation to Crimes.

Part of 4th  
section to  
amend R. S.  
repealed.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Michigan*, That so much of the fourth section of an act entitled "An act to amend part fourth, title first, chapter fourth of the Revised Statutes, and for other purposes," approved March 14, 1840, as provides that on conviction of any person for an escape from prison, he shall be sentenced in addition to the sentence for breaking the prison and escaping, to imprisonment for as long a time as may remain unexpired of his former sentence, be, and the same is hereby repealed.

Sentence of  
prisoner.

Sec. 2. The court in passing sentence for any such escape, may, in addition thereto, in its discretion, sentence the prisoner to imprisonment for a length of time equal to that in which he shall have been at large during such escape; such imprisonment to commence at the termination of the former sentence, but if the same shall have already expired, then it may commence at the time of passing the sentence.

Omission of  
justice &c.,  
not to pre-  
judice the pro-  
secution.

Sec. 3. The neglect or omission of any justice of the peace or other magistrate, to endorse the name of the complainant or prosecutor, on the complaint, or the grand jury to endorse the same on the indictment, shall not prevent or delay, nor in any manner affect the prosecution of the case.

Certificate  
of clerk.

Sec. 4. The official certificate of the clerk of any court, under the seal of the court, stating first the court in which the criminal was sentenced; second, the offence of which he may have been convicted; third, the date of the sentence, and the length of time for which he may have been sentenced to imprisonment in the state prison, shall be *prima facie* evidence of the fact of such conviction and sentence, against any prisoner on his trial for breaking prison, escaping from prison, or for any other crime.

Removal of  
case to Su-  
preme Co't.

Sec. 5. That in all criminal cases, when any question of law may have arisen, or shall arise on demurrer, motion in arrest of judgment or for a new trial or otherwise, in the district courts within the counties of Wayne, Oakland, Washtenaw and Jackson, when the presiding judge thereof shall deem it of sufficient importance to have the same submitted to the Supreme Court, for its decision, he may cause a

transcript of so much of the records, indictment, pleas and other proceedings as may be necessary to be made and certified by the clerk, which with the certificate of such judge showing the question or questions to be submitted to the Supreme Court, shall be sent to the office of the clerk of said Supreme Court in such judicial circuit as such presiding judge may direct.

Sec. 6. The Supreme Court at any term thereof may hear and determine such question, and direct their opinion to be certified by their clerk to the court in which such question arose, and thereupon said court shall proceed with the cause in conformity with said opinion. Sup. Court to hear the same.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 1, 1845.

## No. 17.

### An Act authorizing the State Geologist to perform certain acts, and for other purposes :

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the State Geologist be, and he hereby is authorized and directed to ascertain the quantity of land the State of Michigan is authorized to select in addition to or in lieu of the sixteenth section under the act of Congress entitled "an act to appropriate lands for the support of schools in certain townships and fractional townships not before provided for, approved May 20, 1826, and the act of June 23, 1836, admitting this state into the Union, and report to the next session of the legislature. State Geologist.

Sec. 2. That such sum as may be absolutely necessary, not to exceed one thousand dollars, be and the same is hereby appropriated out of the primary school interest fund, to enable the state Geologist to carry out the provisions of the 28th section of an act entitled an act to establish a land office to prescribe and regulate the disposition of the public lands, and for other purposes, approved March 11, 1844, and the provisions of the first section of this act. \$1,000 appropriated.

Sec. 3. This act shall take effect from and after its passage.

Approved March 1, 1845.

## No. 18.

AN ACT to amend an act entitled an act to amend an act to authorize the erection of a Toll Gate and for keeping in repair the Detroit and Saginaw road, and for other purposes, approved January 26, 1844.

Detroit and  
Saginaw  
road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the first section of the act to which this act is amendatory, be so amended as to extend the provisions of said act over that part of said Detroit and Saginaw road, two miles north of John Davis' tavern, in the township of Royal Oak, to wit: to the house of Benjamin Elwood.

Sec. 2. This act shall be in force from and after its passage.

Approved, March 1, 1845.

## No. 19.

AN ACT to provide for the construction and improvement of a certain State road, running from Kalamazoo, in Kalamazoo county, to Ionia, in the county of Ionia.

State road.

*Whereas*, Heretofore Lawson S. Warner, of Ionia county, Albert E. Bull, of Barry county, and Asa Jones, of Kalamazoo county, acting under a certain act, entitled an act appointing commissioners to lay and establish certain state roads, and for other purposes, did establish and partially open a state road from Kalamazoo, in the county of Kalamazoo, to Ionia, in the county of Ionia;

Spec'l commissioner.

*And whereas*, That part of said road running through the counties of Barry and Kent, has been only partially opened. Therefore, for the purpose of opening and working said road, in the counties of Barry and Kent,

Highway  
taxes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That when any non-resident wishes to commute his road tax now due, or hereafter to be assessed, his labor shall be expended on said road, and the special commissioner appointed by the provisions of this act, shall direct when, where and how the labor shall be performed.

Sec. 2. The highway taxes which may hereafter be assessed upon <sup>Highway taxes.</sup> the lands owned by non-residents lying within one mile each way (at right angles,) from the centre line of said road, shall be appropriated and applied to the opening and working of said road: *Provided*, That if any lot or description, not exceeding forty acres of land, (owned by non-residents as aforesaid,) shall be partially embraced within said limits, and extend beyond said two miles, the highway tax upon said description shall be deemed appropriated as aforesaid: *Provided*, That where specific appropriations of non-resident highway taxes have heretofore been made by law, for state road purposes, such appropriations shall not be effected by the provisions of the above section.

Sec. 3. That George B. Manchester, of Barry county, be, and he <sup>George B. Manchester his power.</sup> is hereby appointed special commissioner, to disburse the monies aforesaid, who shall have power to let or contract any job of work upon said road, first giving public notice thereof, by posting up notices at the most public places within the several townships through which said road passes, and as near as may be upon the line of said road, which said notices shall be posted up at least twenty days before the time of letting such contracts, and shall state when the work is to be performed, and the kind thereof, the time limited for the performance, the time when and where the work will be let, to the lowest bidder, who shall give bonds, with one or more sufficient sureties to the special commissioners, for the faithful performance of said contract.

Sec. 4. It shall be the duty of the special commissioner to make <sup>Duty of.</sup> out a correct list of all the non-resident land designated by the provisions of the second section of this act, and file the same with the county treasurers of the counties wherein those lands are located; and it shall be the duty of the county treasurers to withhold from the several townships the monies accruing on such non-resident lands, and pay over the same to the special commissioner.

Sec. 5. It shall be the duty of the special commissioner to render <sup>To account.</sup> to the board of supervisors of each county at their annual session, a true account of the application and disbursement of the monies he may have received each year.

To take an oath.

Sec. 6. Before said special commissioner shall enter upon the duties of his office, he shall take the oath prescribed by the laws of this state, and file the same with the clerk of Barry county; and before he shall draw monies from the county treasurer, he shall give bond with one or more sufficient sureties, which bond, it shall be the duty of the board of supervisors of Barry county, or a majority of them, to accept and approve, and which shall be filed with the county clerk of Barry county.

Compensation.

Sec. 7. The special commissioner shall receive, as a compensation for his services, one dollar per day, when actually employed in the business of said road, which amount shall be audited and allowed by the board of supervisors of Barry county, divided prorata according to the length of road line in each county, and paid out of the fund created by this act; and said board of supervisors may require said special commissioner to verify his account by affidavit.

Vacancy.

Sec. 8. In case said special commissioner does not take and file the oath of office required by this act, within ninety days after the approval thereof, such neglect shall be deemed a vacancy; and all vacancies which may happen by death, removal, or otherwise, shall be filled by the board of supervisors, or a majority of them, of Barry county; and any person so appointed, shall take and file the oath and bonds as aforesaid.

Monies how disbursed.

Sec. 9. The monies collected in a surveyed township shall be disbursed in the same surveyed township: *Provided*, That the said monies are collected in the township through which said road is located, if raised in an adjoining township, then they shall be expended on the line of said road nearest said township.

Sec. 10. This act shall be, and remain in force for the term of three years, and shall take effect from and after its passage.

Sec. 11. That in laying out and working the above mentioned road, the state shall, in no instance, be liable for any expense or damage incurred thereby.

Approved, March 1, 1845.

No. 20.

**AN ACT to provide for establishing and constructing a road from the village of Lyons, in the county of Ionia, to the village of Ada, in the county of Kent:**

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there shall be laid out and established <sup>State Road.</sup> a road commencing at the grist mill of Aaron B. Pratt, in the township of Lyons, in the county of Ionia, and running thence on the most direct and eligible route, via the residence of John E. Morrison, and the village of Saranac, in said county, to Ada, in the county of Kent, and that Amos B. Hubbell and Timothy White, of the county of Ionia, and Cyprian S. Hooker, of the county of Kent, be, and they are hereby appointed commissioners to lay out and establish said road. And the said commissioners shall be paid at the rate of one dollar per day, out of the fund created for the construction of said road.

Sec. 2. That for the purpose of improving said road, there shall be and is hereby appropriated to be expended as hereinafter provided, the non-resident highway tax for the year 1844, (which shall remain <sup>Non-resident taxes appropriated.</sup> unexpended on the first day of May next,) and the non-resident highway tax which may be hereafter assessed for the years, eighteen hundred and forty-five, eighteen hundred and forty-six, and eighteen hundred and forty-seven, upon the lands on the line of said road, for the distance of three miles south of the south bank of Grand river, in the counties of Ionia and Kent; *Provided,* That if any lot or description not exceeding eighty acres of land (owned by non-residents as aforesaid,) shall be partially embraced within said limits, and extend beyond said three miles, the highway tax upon said description shall be deemed appropriated as aforesaid.

Sec. 3. It shall be the duty of the aforesaid commissioners to file <sup>Commissioner's duty.</sup> the survey of said road (as shall be laid out in such township) in the office of each township clerk, whose duty it shall be to record the same in the road book of the township.

Sec. 4. A special commissioner shall be appointed for each of the <sup>Commissioner appointed.</sup> counties named in this act, who shall have the superintendence of said road within their respective counties, and shall direct where the labor shall be performed on said road.

List to be  
made.

Sec. 5. It shall be the duty of the special commissioners each in his own county to make out correct lists on or before the twentieth day of April next, of all the non-resident land covered by the provisions of this act, and file the same with the county treasurer of the county wherein those lands are located.

Acc't books  
to be kept by  
county tr's.

Sec. 6. The county treasurers of the counties of Ionia and Kent, respectively, shall each open accounts in a book to be provided for that purpose, at the expense of the counties respectively, with "the Lyons and Ada road fund," and shall credit to the said fund all moneys that may be paid to them respectively under the provisions of this act, and shall charge to the said fund all warrants drawn in pursuance of this act, all payments made to the commissioners on account of their services, and such other necessary expenses in carrying into execution the purposes of this act, which may be audited by the board of supervisors of the respective counties named herein.

Power of  
Com'r.

Sec. 7. The said special commissioners each in his own county shall have power to let or contract by public auction any job or work upon said road, giving public notice thereof by posting up three or more notices within the several townships in the county through which said road passes, as near as may be upon the line of the said road at least ten days before the time of letting such contract, which shall be let to the lowest bidder giving good security to the satisfaction of the commissioner, for the faithful performance of said contract.

May draw  
warrant.

Sec. 8. Whenever any such contract shall be performed, the commissioner shall certify to the fact upon such contract, and shall thereupon draw his warrant upon the county treasurer for the payment of the same out of the Lyons and Ada road fund, and shall attach such warrant to the said contract. And in case any person having so contracted shall fail in the performance of his contract, it shall be the duty of the commissioner to cause the same to be prosecuted in his own name for the benefit of the aforesaid account.

Non-resid't  
may work  
his tax.

Sec. 9. Any non-resident who may wish to perform the labor assessed upon his lands lying within the limits designated in the second section of this act, may apply either by his agent or otherwise, to the special commissioner of the county in which the lands lie, and on such application the said commissioner shall direct when and



where, and in what manner the labor may be performed on said road, and whenever the same shall be fully and satisfactorily performed, the said commissioner shall give a receipt therefor, and upon presentation of such receipt to the overseers of highways of the road district in which such lands lie, before the time designated by law for the return of unpaid highway taxes, the said overseer shall cancel the tax acknowledged to be paid by said receipt.

Sec. 10. Whenever any person shall commute the highway tax assessed upon non-resident lands embraced within the provisions of <sup>When tax is commut'd</sup> this act, and the same shall be paid to the overseer of highways, he shall pay over the same within thirty days thereafter, to the township treasurer, who shall give duplicate receipts therefor; one of which receipts said overseer of highways, shall deposit with the county treasurer within ten days thereafter, and the township treasurer shall pay to the county treasurer on or before the fifteenth day of November in each year, all the monies that may come into his hands from overseers of highways.

Sec. 11. Jacob Pratt, of the county of Ionia, and Cyprian S. Hook- <sup>Spec'l commissioners.</sup> er, of the county of Kent, are hereby appointed special commissioners under this act for the counties in which they respectively reside, and before said commissioners shall enter upon their duties they shall take the oath prescribed by the laws of this state, and file the same with the county clerks of their respective counties.

Sec. 12. Each of the commissioners shall receive as a compensation <sup>Compensation.</sup> for their services, one dollar and fifty cents per day for each day actually employed in the business of said road, which actual employment each commissioner shall verify by his affidavit, and his account for services so verified shall be paid by the treasurer of his proper county out of said road fund.

Sec. 13. All monies collected in a township shall be disbursed in <sup>Monies disbursed.</sup> the same township.

Sec. 14. Any person who shall neglect or refuse to perform the <sup>Penalty for neglect.</sup> duties enjoined upon him by this act, shall forfeit and pay the sum of twenty dollars; and the commissioners herein mentioned may also be removed from office for such neglect or refusal, by the board of supervisors of the proper county, who may enter such neglect or re-

fusal at large upon their journal ; but no removal shall be made by the board of supervisors without first giving said commissioners at least five days notice to be heard in their defence. And vacancies which may occur in the offices created by this act, the board of supervisors of the respective counties of Ionia and Kent are hereby authorized to fill.

Forfeiture.

Sec. 15. Any forfeiture incurred under and by virtue of this act, may be recovered in an action of debt before any justice of the peace, in the name of the people of the State of Michigan, which shall be paid to the treasurer of the county in which the forfeiture [was] incurred, to be placed to the credit of the aforesaid road fund.

Sec. 16. The laws regulating highways in this state not contrary to the provisions of this act, shall apply to this road.

Sec. 17. The state shall not be liable for any expense incurred or damages sustained by reason of this act, and in case the road mentioned in this act shall not be surveyed and laid out in three years from the passage of this act, the provisions contained therein shall be void.

Sec. 18. This act shall take effect and be in force from and after its passage.

Approved March 1, 1845.

## No. 21.

AN ACT to provide for the construction of a certain state road from the village of Schoolcraft, in Kalamazoo county, to where said road intersects the Territorial road from Kalamazoo to St. Joseph, in Berrien county.

State road.

Whereas, A certain state road from the village of Schoolcraft, in Kalamazoo county, to the village of St. Joseph, in Berrien county, has been laid out and established by Albert E. Bull, N. M. Thomas, and J. W. Copley, acting under a law appointing them commissioners for that purpose. Therefore,

Non-resident  
tax applied.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Michigan,* That one-half of all the non-resident highway taxes, backstanding, and due the several townships or in the township treasuries, not expended according to law, belonging

to the several townships through which said road passes, shall be appropriated and applied to the opening and working of said road; and when any non-resident wishes to commute his road tax now due, or hereafter assessed, his labor shall be expended on said road, and the special commissioner shall direct when, where and how the labor shall be performed, and it shall be the duty of the several county treasurers to withhold said back standing non-resident highway monies from the several townships and pay over the same to the special commissioner.

Sec. 2. The highway taxes which may hereafter be assessed upon the lands owned by non-residents, lying within two miles each way, (at right angles) from the centre line of said road, shall be appropriated and applied to the opening and working of said road, and whenever said lines cover any part of a sectional division, it shall embrace the whole of said sectional division, or forty acre lot. Highway taxes.

Sec. 3. That Mills N. Duncan, of Schoolcraft, be, and he is hereby appointed special commissioner, to disburse the monies aforesaid who shall have power to let or contract any job or work upon said road; first giving public notice thereof, by posting up notices at the most public places within the several townships, through which said road passes, and as near as may be upon the line of said road, which said notices shall be posted up at least twenty days before time of letting such contracts, and shall state where the work is to be performed, and the kind thereof, the time limited for the performance, the time when and where the work will be let, to the lowest bidder, who shall give good and sufficient bonds, with one or more sureties to the special commissioner for the faithful performance of said contract. Spec'l commissioner.

Sec. 4. It shall be the duty of the special commissioner to make out a correct list of all the non-resident land covered by the provisions of the third section of this act, and file the same with the county treasurer, wherein those lands are located, and it shall be the duty of the county treasurers to withhold from the several townships the monies accruing on such non-resident lands, and pay over the same to the special commissioner. Duty of commissioner's.

Sec. 5. It shall be the duty of the special commissioner to render

to the board of supervisors of each county at their annual session a true account of the application and disbursement of the monies he may have received each year.

To take an  
oath,

Sec. 6. Before said special commissioner shall enter upon the duties of his office, he shall take the oath prescribed by the laws of this state, and file the same with the clerk of Kalamazoo county; and before he shall draw monies from the county treasurer, he shall give bond with one or more sufficient sureties, which bond, it shall be the duty of the board of supervisors of Kalamazoo county, or a majority of them, to accept and approve, and shall be filed with the county clerk of Kalamazoo county.

Compensa-  
tion.

Sec. 7. The special commissioner shall receive as a compensation for his services, one dollar per day, when actually employed in the business of said road, which amount shall be audited and allowed by the board of supervisors of Kalamazoo county, divided pro rata according to the length of road line in each county, and paid out of the fund created by this act; and said board of supervisors may require said special commissioner to verify his account by affidavit.

Vacancy.

Sec. 8. In case said special commissioner does not take and file the oath of office required by this act within ninety days after the approval thereof, such neglect shall be deemed a vacancy; and all vacancies which may happen by death, removal or otherwise shall be filled by the board of supervisors, or a majority of them, of Kalamazoo county; and any person so appointed shall take and file the oath and bond as aforesaid.

Sec. 9. The monies collected in a township shall be disbursed in the same township.

Sec. 10. This act shall be, and remain in force for the term of three years, and shall take effect from and after its passage.

Sec. 11. That in laying out and working the above mentioned road the state shall, in no instance, be liable for any expense or damage incurred thereby.

Approved March 1, 1845.

No. 22.

**AN ACT in relation to the redemption of General fund warrants and delinquent tax stock or bonds.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That whenever there may be in the State Treasury any funds applicable to the redemption of warrants on the general fund, tax bonds or other state indebtedness, the holders whereof may be unknown to the State Treasurer, he shall cause two or more months notice to be given in the State Paper, that such warrants, bonds, or other evidences of state indebtedness, describing them particularly by numbers, dates or otherwise, will be redeemed on presentation at the State Treasury in specie or its equivalent, and interest on such warrants, bonds, or other indebtedness, if not sooner presented shall cease at the expiration of two months from the date of the first publication of such notice.

Warrants in the treasury—notice to be given.

Sec. 2. Whenever the State Treasurer in pursuance of the provisions of the foregoing section may call in any of the outstanding tax bonds or stocks past due, bearing interest annually or semi-annually, there shall be allowed interest thereon to the time of redemption of the principal if presented for payment within two months from the date of the publication of the notice that such bonds or stocks would be redeemed if presented after two months from the date of such publication, then interest shall be allowed to the termination of said two months and no longer.

S. Treasurer to call in outstanding tax bonds.

Sec. 3. This act shall be in force from and after its passage.

Approved March 1, 1845.

No. 23.

**AN ACT to amend the charter of the city of Detroit.**

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That in addition to the tax now authorized to be levied by the charter of the city of Detroit, the common council of said city shall have power, in the manner prescribed by the said charter or any amendment thereof, to cause to be levied and collected a sum not exceeding sixteen thousand dollars, as

City of Detroit.

follows: For the year eighteen hundred and forty-five, a sum not exceeding eight thousand dollars, and for the year eighteen hundred and forty-six, a further sum not exceeding eight thousand dollars: *Provided*, That the consent of the taxable inhabitants of said city to the proposed levy be first obtained at a public meeting of said taxable inhabitants, to be convened by the proclamation of the Mayor of said city: *And provided further*, That the said sums or any part thereof so raised, shall be applied in payment of the city debt and the interest thereof, and to no other purpose.

Sec. 2. This act shall take effect from and after its passage.

Approved, March 8, 1845.

## No. 24.

**AN ACT** to lay out, establish and provide for the construction of a State road, commencing at the quarter post between sections twenty-three and twenty-six, town four, north of range ten west, in the county of Barry; thence by the most direct and eligible route to the village of Grand Rapids, in Kent county.

State road

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there shall be laid out and established a state road, commencing at the quarter post between sections twenty-three and twenty-six, town four, north of range ten west; running thence on the most direct and eligible route to the village of Grand Rapids, in Kent county, and that John Ball, of Kent county, Albert E. Bull and Calvin G. Hill, of Barry county, be, and they are hereby appointed commissioners to lay out and establish said road.

Sec. 2. It shall be the duty of the aforesaid commissioners to file the survey of so much of said road as shall be laid out in each township in the office of each township clerk, whose duty it shall be to record the same in the road book of the township.

Sec. 3. The highway taxes which may hereafter be assessed upon the lands owned by non-residents, lying within two miles each way

(at right angles) from the centre line of said road, shall be appropriated and applied to the opening and working of said road; and whenever any part of a sectional division shall lie within the two miles as aforesaid, it shall embrace the whole of said sectional division or forty acre lot.

Sec. 4. That John Ball be, and he is hereby appointed special <sup>Commissioner appointed.</sup> commissioner to disburse the monies aforesaid, and shall have power to let or contract any job of work upon said road, first giving public notice thereof, by posting up notices at the most public places within the several townships through which said road passes, and as near as may be upon the line of said road, which said notices shall be posted up at least twenty days before the time of letting such contracts, and shall state where the work is to be performed and the kind thereof, the time limited for the performance, the time when and where the work will be let to the lowest bidder, who shall give bonds with one or more sufficient sureties to the special commissioner for the faithful performance of said contract.

Sec. 5. It shall be the duty of the special commissioner to make out a correct list of all the non-resident land covered by the provisions of the third section of this act and file the same with the county treasurers of the counties wherein those lands are located; and it shall be the duty of the county treasurers to withhold from the several townships the monies accruing on such non-resident lands and pay over the same to the special commissioner. <sup>Duty of special commissioner.</sup>

Sec. 6. It shall be the duty of the special commissioner to render to the board of supervisors of each county, at their annual session, a true account of the application and disbursement of the moneys he may have received each year. <sup>Duty of special commissioner.</sup>

Sec. 7. Before said board of commissioners shall enter upon their duties, they shall take the oath prescribed by the laws of this state, and before the special commissioner shall draw monies from the county treasurer he shall give bonds with one or more good and sufficient sureties, which bond, it shall be the duty of the board of supervisors of Kent county, or a majority of them, to accept and approve, and which shall be filed with the county clerk of Kent county. <sup>Oath.</sup>

Sec. 8. Said board of commissioners and the special commissioner <sup>Compensation.</sup> (when actually employed) shall each receive one dollar per day, and

# LAWS OF MICHIGAN.

the surveyor, axemen and chainmen, shall receive a proper and just compensation, and their accounts shall be audited and allowed by the board of supervisors of Kent county and paid out of the fund created by this act, and divided pro rata according to the length of road line in each county ; and said board of supervisors may require each account to be verified by affidavit.

Neglect to take oath.

Sec. 9. In case either commissioner does not take and file the oath of office required by this act, within ninety days after the approval thereof, such neglect shall be deemed a vacancy, and all vacancies which may happen by death, removal or otherwise, shall be filled by the board of supervisors, or a majority of them of the county in which the vacancy occurs, and any person so appointed shall take and file the oath aforesaid, and the special commissioner shall give bond as aforesaid.

Sec. 10. The monies collected in a township shall be disbursed in the same township.

Sec. 11. This act shall be and remain in force for the term of three years, and shall take effect from and after its passage.

Sec. 12. That in laying out and working the above mentioned road, the State shall in no instance be liable for any expense or damage incurred thereby.

Approved, March 12, 1845.

## No. 25.

**An Act to amend an act entitled an act to establish and improve the Pontiac and Grand River road, approved March 9, 1844:**

Commissioners appointed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Philip S. Frisbee, Elkanah Parker, and Daniel Donelson, be, and they are hereby appointed commissioners, whose duty it shall be to examine any part of the Pontiac and Grand River road which in their opinion public good requires should be altered or changed for any cause whatever, and to make such alteration as in their judgment is necessary for the best interest of the public subject to all the restrictions and provisions of the



present law in relation to the laying out and alteration of roads by the highway commissioners of towns.

Sec. 2. Robert Toan, of the county of Ionia, Loyal Palmer of the county of Clinton, Jonathan M. Hartwell, of the county of Shiawassee, Samuel N. Warren, of the county of Genesee, and Archibald Phillips, of the county of Oakland, are hereby appointed special commissioners each for the county in which he resides, whose duty it shall be to direct and superintend the performance of all labor which by the provisions of this act or the act to which this is amendatory, are to be performed upon said road, and to expend all monies which may accrue to said road by the provisions of said acts as hereinafter directed, and before entering upon the duties of their office, they shall severally take and subscribe the oath prescribed by the twelfth article of the constitution of this State, and shall execute a bond to the people of this State with one or more sureties, to be approved by the county treasurer of their respective counties in the penal sum of one thousand dollars conditioned for the faithful performance of all their duties as such commissioner, which oath and bond shall be filed with said county treasurer.

Special commissioners appointed.

Oath.

Sec. 3. Said special commissioners shall on or before the twentieth day of April next, make out two correct lists of all lands the tax of which has been appropriated by the provisions of this act or the act to which this is amendatory, within the several townships in his county, one of which he shall file with the township clerk of the township where said lands are situated, and the other with the county treasurer; said township clerk shall file said list in his office, subject to the inspection, and for the use of all officers within his town who may have occasion to refer to the same; and the said county treasurer shall file all lists delivered to him as aforesaid by said special commissioner in his office for the use of said office.

Make out lists.

Sec. 4. It shall be the further duty of said special commissioner to expend all monies which are or may hereafter be placed to the credit of the Pontiac and Grand River road within their respective counties upon the books of the county treasurer upon said road by posting up notices in at least three of the most public places within the township where any job or work is to be done, at least ten days before the letting, which notices shall set forth when and where said letting

Duty of special commissioner.

To let jobs  
to lowest  
bidder.

is to take place, the kind of work to be done, and all such other information as he may deem important, and upon the day, and at the time and place specified in said notices, said commissioners shall proceed to let at public auction to the lowest bidder (who will give good and sufficient bonds to the satisfaction of said commissioner for the performance of the contract,) the jobs of work set forth in said notices, and upon completion of any work according to the contract, the said commissioner shall endorse the same satisfied, and draw his warrant upon the county treasurer for the amount stipulated to be paid, and said treasurer shall pay said warrant upon presentation out of any monies or funds in his hands, credited as aforesaid.

Compensation.

Sec. 5. The said commissioners shall receive one dollar per day (each) for the time actually employed upon said road, and his account for the same when verified by his oath shall be paid by the county treasurer out of said road fund, and charged to the several towns in his county, in proportion to the amount of funds credited to said towns, and all incidental expenses which may be incurred in carrying this act and the act to which this is amendatory into effect and which may be audited and allowed by the board of supervisors in the proper county shall be paid and charged in the same way.

Neglect to  
perform duties.

Sec. 6. Any person who shall refuse or neglect to perform any of the duties enjoined upon him by the provisions of this act or the act to which this is amendatory, shall forfeit and pay a sum not less than five dollars nor more than twenty-five dollars. And it shall be the duty of the special commissioners for the county where such forfeiture is incurred, to sue for the same before some justice of the peace of said county, in his own name, for the use of the Pontiac and Grand River road, provided the same may be settled by the individual incurring the same by paying to the said commissioner a sum not less than five nor more than twenty-five dollars, as he the said commissioner shall direct, and all monies collected for forfeitures or from any other source under the provisions of this act, or the act to which this is amendatory, shall be paid to the county treasurer, and by him credited to said road fund; and if any vacancy shall occur in any of the offices created by this act, by persons not qualifying, or by a continued neglect of duties, or from any other cause whatever it shall be the duty of the board of supervisors for the county where

Vacancy.

such vacancy shall occur, to fill the same by appointment, and the person so appointed shall take a like oath, and give like bonds as is prescribed for similar officers appointed by this act.

Sec. 7. The commissioners of highways of the several towns, in their warrants to overseers of highways where any lands are situated, the tax of which has been appropriated by the act to which this is amendatory, shall designate the same upon said overseers warrants or tax rolls, and it shall be the duty of said overseers to certify the amount of any tax upon any description of land designated as aforesaid (upon application of any person to work the same,) to the special commissioner of said county, and said special commissioner is hereby required to direct the performance of said labor upon application of any person to do the same, and upon presentation of said certificate according to the provisions of section two of this act : *Provided, That* all taxes raised in any town through which said road passes shall be expended in the same town, and all taxes appropriated by this act to to the improvement of said road in any town through which said road does not pass shall be expended in the town nearest adjoining the town in which said tax was raised.

Sec. 8. The county treasurers of the several counties where any tax is appropriated as aforesaid, shall open an account in a book to be provided by them at the expense of their county, with the Pontiac and Grand River road, they shall credit said road with all money or other funds received by them for taxes upon any of the lands designated as aforesaid, or from any other source, which may be appropriated to said fund by this act or the act to which this is amendatory, and they shall charge said road with the payment of all warrants drawn by the special commissioner in accordance with section four of this act, and with all payments made by them in accordance with section five of this act, a full account of which they shall render to and settle with the board of supervisors annually, at such time as said supervisors shall designate.

Sec. 9. All violations of any contract [or non-performance of the same] recognized by this act, may be prosecuted by the special commissioner, in his own name, for the use of the Pontiac and Grand River road before any court having competent jurisdiction.

Sec. 10. The laws regulating highways in this state not contrary

to the provisions of this act, shall apply to this road; and all commutation money paid to any overseer in lieu of highway labor, shall be by said overseer paid over to the county treasurer within sixty days thereafter.

Sec. 11. Sections four, five and six of the act to which this amendatory are hereby repealed.

Sec. 12. This act shall take effect from and after its passage.

Approved March 12, 1845.

### No. 26.

#### AN ACT to change the Name of Michigan Village :

Name of  
village  
changed.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the name of the village now recorded and known as "Michigan Village," situate in the township of Seio, county of Washtenaw, shall be hereafter known and called Delhi, and all transfers of real estate within the limits of said Michigan Village, which may hereafter be made as of the village of Delhi, having reference by number of blocks and lots to the original plat recorded by the name of Michigan Village, shall be as valid in law as if no change in the name of said village had been authorized.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 12, 1845.

### No. 27.

#### AN ACT to provide for locking the Clinton and Kalamazoo Canal into the Clinton River at the village of Frederick, and for other purposes.

Appropriation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there be appropriated so much as may be necessary, of land out of the 500,000 acres granted to this State by the United States, for the purpose of locking the Clinton and Kalamazoo Canal into the Clinton River at the village of Frederick.

Sec. 2. That the Acting Commissioner of Internal Improvement be, and he is hereby authorized and directed to let the necessary contracts pursuant to law for locking said canal into the river as aforesaid.

Com. of Int. Imp. authorized to let contracts.

Sec. 3. In payments for estimates upon contracts made under this act, the Auditor General shall draw a scrip not bearing interest, and payable only in lands at the State Land Office, for internal improvement lands, whenever a sufficient amount of said scrip or other funds shall be presented to pay for any such legal subdivision or other fraction as shall there be subject to sale or entry.

Aud. Gen. to draw a scrip.

Sec. 4. That there be and is hereby appropriated out of the 500,000 acres aforesaid, sufficient lands for the payment of seven thousand and seventy-three dollars and thirteen cents, being the amount now due for work done and materials furnished for said canal under the contracts of the past year, and that therefor the Auditor General is hereby authorized and directed to draw a scrip not bearing interest, for the said sum of seven thousand and seventy-three dollars and thirteen cents, payable in lands at the Land Office for internal improvement lands, whenever a sufficient amount of said scrip or other funds by law receivable for said lands shall be presented for any such legal subdivision or other fraction as shall be subject to sale or entry.

Appropriation.

Sec. 5. That this act shall take effect and be in force from and after its passage.

Approved March 14, 1845.

### No. 28.

**AN ACT** to authorize Philo Beers and Anson Ensign to erect a Dam across Flat River, in the county of Montcalm.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Philo Beers and Anson Ensign, Dam. their heirs and assigns, are hereby authorized and empowered to erect a dam across Flat River, in the county of Montcalm, on lot Nos. one and five of section thirty, in township ten north of range

eight west : *Provided*, That the title of said described lands is at the time of erecting the said dam, vested in the said Philo Beers and Anson Ensign, or that they obtain the permission of the owners thereof.

Height of  
dam.

Sec. 2. The said dam shall not exceed four feet in height above low water mark, and shall have a good and sufficient sluice or apron of convenient width and dimensions to admit the safe passage of rafts of every kind, down that river, and such boats and canoes as may navigate the same, which said sluice or apron shall be kept in good repair by the person or persons using said dam.

Proviso.

Sec. 3. Nothing in this act shall be construed to authorize the persons above named, their heirs or assigns, to enter upon or flow the lands of any other person or persons : . *Provided*, That the occupant of said dam shall construct therein or thereat, a convenient lock for the safe passage of boats, canoes, rafts or other water craft, whenever the Circuit Court of said county shall order upon good cause shown.

Sec. 4. If, at any time hereafter, the water should be required to be drawn from said river for the purpose of internal improvement or navigation, it shall not be lawful for the said Philo Beers and Anson Ensign, or any other person or persons owning said dam to claim or recover any damages therefor.

Sec. 5. The legislature may at any time amend or repeal this act  
Approved March 19, 1845.

## No. 29.

### AN ACT to provide for the payment of G. F. Rood and Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Michigan*, That the State Treasurer be, and he is hereby authorized to pay out of any monies in the treasury, not otherwise appropriated, the sum of one hundred and thirty-three dollars and thirty-six cents, to G. F. Rood and Company, being the balance due for stationery furnished for the use of the Senate in eighteen hundred and forty-four.

G. F. Rood  
& Co.

Approved March 19, 1845.

No. 30.

**AN ACT to provide for laying out a State Road from Grand Rapids to Muskegon river:**

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Michigan*, That John F. Stearna, James Davids and Solomon Wright, be and they are hereby authorized to lay out and establish a state road from Grand Rapids, in the county of Kent, on the most eligible and direct route to the Muskegon river, in township twelve north of range eleven west, section eight, and file the survey of so much of said road in the office of the township clerk of each township through which said road shall pass, as shall be laid out in such township: *Provided*, That no expense incurred in laying out, establishing or constructing said road shall be chargeable to the state.

Sec. 2. Two years are hereby allowed and granted to the said commissioners for laying out and opening said road.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved, March 19, 1845.

No. 31.

**AN ACT to provide for the service of process upon the agents of corporations in certain cases.**

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That any writ or process hereafter issuing out of any court of record of this state in any suit against a corporation, incorporated company, or body politic and corporate, may be directed to and served by the Sheriff of any county of this state within his bailiwick by delivering a copy of such writ or process to the President, Cashier, Secretary or Clerk of such corporation, incorporated company, or body politic and corporate; and in case said President, Cashier, Secretary or Clerk cannot on diligent search be found, then the said writ or process may be served by the Sheriff to whom the same is directed by leaving a copy thereof with the agent of said corporation, incorporated company, or body politic and corporate:

Service of  
Process.

## LAWS OF MICHIGAN.

...ever, That every such suit shall be instituted in the  
 ... the plaintiff or defendant shall reside.  
 ... All acts and parts of acts concurrent with or contravening  
 ... of this act are hereby repealed.  
 ... March 19, 1845.

## No. 32.

AN ACT to incorporate the Michigan Central College  
at Spring Arbor.

Trustees.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Elijah Cook, Drusus Hodges, Jonathan L. Videto, Justus H. Cole, Joseph C. Bailey, Henry S. Limbocker, Lemuel W. Douglass, Lewis J. Thompson, and Enos W. Packard, and their successors in office, shall be and they are hereby constituted and declared a body corporate, by the name and title of the Michigan Central College at Spring Arbor, and shall be trustees of the said college, to have perpetual succession, capable by its name in law to sue and be sued, to plead and be impleaded, in any court within this state, and to receive, possess retain and enjoy any lands, rents, tenements or hereditaments of what kind soever, and to alien the same, and also to purchase any lands or estates, real and personal, to receive any charity, donation or bequest, which may be made to them, the said trustees, for the use of the said college, and be capable to sell, lease or otherwise dispose of any lands, chattels, real or personal, of any kind whatever, that may come to them by purchase, gift, or bequest, or in any other way whatever, or to hold the same in perpetuity, or for a term of years: *Provided*, That the property, real or personal of said corporation shall not, at any time exceed thirty thousand dollars on a just valuation.

Providing.

Number of  
Trustees.  
Term of of  
office.

Sec. 2. There shall at all times be nine trustees of said college. The term of office of three of said trustees shall expire on the first Wednesday of January, 1846, the term of office of three more of them on the first Wednesday of January, 1847, and three on the first Wednesday of January, 1848, as shall be determined by lot among themselves, within thirty days from and after the passage of



this act ; at the expiration of the regular term of office of any of the said trustees, or their successors in office, others shall be elected in their stead, and in case any of said trustees or their successors should refuse to act, resign, die, or remove out of the state, the remainder of the trustees or a majority of them shall have power to elect others in their stead, and that the said trustees or a majority of them shall have power and authority to make, alter or amend any by-laws for their own government, or regulation, that they may deem proper and necessary, which are not repugnant to the laws of this state or the United States, and have full power and authority to carry the same into effect.

Sec. 3. The trustees of the said college shall have a common seal, <sup>Seal.</sup> which they may alter or renew at pleasure; have power to appoint or remove their professors or teachers, and to make such rules and regulations therefor as they or a majority of them may think proper and expedient, and the said trustees shall have power to make such rules and regulations for the admission or dismissal of students, as they may deem necessary.

Sec. 4. No person shall be excluded from any privilege, immunity or situation in said college on account of his religious opinions : <sup>Persons not excluded on account of religion.</sup> *Provided*, That he demean himself in a sober, peaceable and orderly manner, and conform to the rules and regulations thereof.

Sec. 5. The said trustees shall keep an accurate account of all their proceedings in regard to the property granted as aforesaid, and <sup>To keep account.</sup> of all moneys or valuables received or expended, and of all contracted to be received or expended for the benefit of said college, which whenever so required, they shall lay before the legislature for their information.

Sec. 6. The trustees of said college shall be jointly and severally <sup>Liabie.</sup> liable for all judgments obtained against the corporation : *Provided*, That no execution shall issue against the individual property of said trustees until the property of the corporation shall first have been exhausted.

Sec. 7. The legislature shall have power at any time to alter, amend or repeal this act.

Approved, March 19, 1845.

## No. 33.

## AN ACT concerning certain Records of the Circuit Court of the county of Oakland.

*Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the Clerk of the Circuit Court for the county of Oakland be, and he is hereby directed under the supervision of the judges of said court, to transcribe such of the records and books of said court, or the county court formerly held in and for said county, as the said judges may deem necessary, in order to preserve and perpetuate the matters therein contained; and also cause to be bound any of the records and books aforesaid, and to make suitable indexes as the said judges may deem proper.

Clerk directed to transcribe records.

*Sec. 2.* The said clerk shall be allowed such compensation as may be reasonable for performing the services contemplated by the first section of this act, to be audited by the board of supervisors of said county, upon the certificate of the said Circuit Court, and paid out of the treasury of said county.

Compensation.

*Sec. 3.* The copies of the records and books aforesaid, when ascertained by the judges of the said Circuit Court to be correct, shall have the same legal effect, and be used as evidence in the same manner and with the like effect, as the originals thereof might or could be used.

When correct to have effect.

Approved March 19, 1845.

## No. 34.

## AN ACT to provide for laying out a State Road from Granville to Grand Haven.

*SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Thomas W. White, Holden C. Lowing, and Edward F. Bosworth, be and they are hereby authorized to lay out and establish a State road from Granville, in the county of Kent, on the most eligible and direct route to Grand Haven, in the county of Ottawa, and file the survey of so much of the said road in the office of the township clerk of each township through which said road shall pass, as shall be laid out in such township, Pro-

To lay out state road.

vided, that no expense incurred in laying out, establishing, or constructing said road shall be chargeable to the State.

Sec. 2. Four years are hereby granted the above named commissioners to lay out and open said road.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 19, 1845.

### No. 35.

#### AN ACT to provide for laying out a State Road from Grand Rapids to Muskegon Lake.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Benjamin Smith, Andrew Loomis and Edmund B. Bostwick be and they are hereby authorized to lay out and establish a State road from Grand Rapids, in the county of Kent, on the most eligible and direct route to Muskegon Lake in the county of Ottawa, and file the survey of so much of the said road in the office of the township clerk of each township through which said road shall pass, as shall be laid out in said township: *Provided*, That no expense incurred in laying out, establishing or constructing said road, shall be chargeable to the State.

Sec. 2. Two years are hereby allowed and granted to the said commissioners for the laying out of said road.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 19, 1845.

### No. 36.

#### AN ACT to provide for the laying out a State Road from Augusta, in the county of Kalamazoo, via Gull Mills, to Yankee Springs, in Barry county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Salmon King and Mumford Eldred, Junior, of Kalamazoo county, and Samuel Case, of Barry

To lay out  
state road.

county, be, and they are hereby authorized to lay out and establish a State road from the village of Augusta, Kalamazoo county, via the Gull Mills, so called, to Yankee Springs, in Barry county, on the most direct and eligible route, and file the survey of so much of said road in the office of the township clerk of each township through which said road shall pass, as shall be laid out in such township. *Provided*, the state shall not be chargeable for any expense incurred in laying out said road.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 19, 1845.

### No. 37.

## An Act to authorize Arad Melvin and John Scales to erect a Dam across Flat river in the county of Kent.

To build a  
dam.

*SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That Arad Melvin and John Scales, their heirs and assigns, are hereby authorized and empowered to erect a dam across Flat River, in the county of Kent, on lot No. five, section No. thirteen, township number seven north of range number nine west: Provided, That the title of said land on each bank of the said river is at the time of erecting the said dam vested in the said Arad Melvin and John Scales, or that they obtain the permission of the owners thereof.*

Height of.

Sec. 2. The said dam shall not exceed four feet in height above low water mark, and shall have a good and sufficient sluice or apron of convenient width and dimensions to admit the safe passage of rafts of every kind down that river, and such boats and canoes as may navigate the same, which said sluice or apron shall be kept in good repair by the person or persons using said dam.

Constructi'n

Sec. 3. Nothing in this act shall be construed to authorize the persons above named, their heirs or assigns, to enter upon or flow the lands of any other person or persons: *Provided*, That the occupant of said dam shall construct therein and thereat a convenient lock for the safe passage of boats, canoes, rafts, or other water craft, when-

over the circuit court of said county shall order, upon good cause shown.

Sec. 4. If at any time hereafter the water should be required to be drawn from said river for the purpose of internal improvement or navigation, it shall not be lawful for the said Arad Melvin and John Soales, or any other person or persons owning said dam to claim or recover any damages therefor. To draw water.

Sec. 5. The legislature may at any time amend or repeal this act.

Approved March 19, 1845.

### No. 38.

**An Act to provide for taking the census for the year eighteen hundred and forty-five.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That in every organized county of this State, one marshal shall be appointed for the purpose of taking the census, in conformity with the requirements of the constitution, and the provisions of this act. Census.

Sec. 2. The Governor of this State is hereby authorized and required to nominate and present to the Senate for confirmation, the names of suitable and proper persons, residents of the several counties aforesaid, to act as marshals for taking said census; and when so nominated and confirmed said marshals shall have power to appoint from among the residents of their respective counties, one or more assistants to aid them in taking said census; but the marshals shall be held responsible for the acts of their assistants, and the assistants shall not be entitled to receive compensation for their services excepting from the marshals by whom they are appointed. Appointment of Marshals.

Sec. 3. The division of territory assigned by the marshals to their assistants, shall be plainly and distinctly defined by bounding it in all cases, by the surveyed lines of townships, if in the country, and if in a city, by the known limits of its wards. Said marshals and assistants shall respectively, before entering on the performance of their duty under this act, take and subscribe an oath or affirmation before some judge or justice of the peace, resident within their respective counties, substantially in the form hereinafter prescribed. Division of territory.

Duty of  
Marshals,  
&c.

Sec. 4. The marshals or their assistants are hereby required to go to every house in their respective counties, or by personal enquiry of the head of every family, or some competent person acquainted with the facts, ascertain and take an enumeration of all the inhabitants, (excepting Indians, not taxed) residing therein, on the first Monday of September, eighteen hundred and forty-five, and the said enumeration shall be taken between the first Monday of September and the first Monday of November next, excepting that the marshals and their assistants of the counties of Michillimackinac and Chippewa may commence the taking of the census on the first Monday of July next, and shall ascertain and take an enumeration of all the inhabitants, (excepting Indians, not taxed) residing therein, on the first day of July. The census of such counties as are attached to other counties for judicial purposes, shall be taken under the supervision of the marshal of the county to which they are so attached.

Enumeration.

List—how  
made

Sec. 5. The names of all the males over the age of twenty-one years, shall be entered on the list. The list shall also distinguish the number of males and females, those under ten years of age, those of ten and under twenty-one, those of twenty-one and under forty-five, those of forty-five and under seventy-five, and those over seventy-five; and also, the number of deaf and dumb, the number of insane, and the number of all colored persons.

Duty of as-  
sistant Mar-  
shals.

Sec. 6. The several assistants shall, on or before the first Monday of November next, deliver to the marshals from whom they receive their appointments, respectively, a copy of accurate returns enumerated as aforesaid, within their respective districts, which returns shall be made so as to distinguish the population of each township and of each city ward.

Duty of  
Secretary  
of State.

Sec. 7. The Secretary of State shall procure and send forthwith to the several county clerks, of all the organized counties of the State, such number of blank lists, in proper form, for taking the census, as in his opinion will be equal to twice the number of townships in each county, for the use of the marshals and their assistants. He shall also cause to be printed and transmitted with the blank lists, a similar number of copies of this act, to be delivered by the county clerks on application, to the said marshals; and he shall seasonably notify said marshals of their appointment and communicate such other

information, as he may deem necessary to aid them in the performance of their duties.

Sec. 8. It shall be the duty of each marshal to consolidate in a schedule, the returns of his county, so as to show the aggregate number of each class, and to write out distinctly the names of all the males over the age of twenty-one years. Such schedule shall exhibit first, the number of each class: secondly, the number of the males over the age of twenty-one in each township and city ward respectively; and when so arranged he shall make duplicate copies, one of which he shall seal and send by mail to the Secretary of State, on or before the fifteenth day of November next; and the other he shall, at the same date, personally deliver to the clerk of his county, who shall file and carefully preserve the same in his office.

Duty of Marshal.

Sec. 9. Any marshal or assistant marshal, appointed as aforesaid, failing to perform all the duties prescribed in this act, shall forfeit the sum of two hundred dollars, to be recovered by an action of debt, in the name of the people of the State of Michigan, for the use of the county where such failure shall occur.

Penalty for non-performance.

Sec. 10. It shall be the duty of the prosecuting attorney, in each county, to prosecute for all liabilities under this act.

Prosecuting Attorney.

Sec. 11. The marshals (except those of Michilimackinac, Chippewa and Saginaw) shall be allowed, as compensation for services performed under this act, at the rate of one dollar and fifty cents for every one hundred persons by him returned, when such persons reside in the country, and when such persons reside in a city, containing more than three thousand persons, such marshals shall receive at the same rate for three thousand, and at the rate of fifty cents for every one hundred persons over three thousand residing in such city, and ten cents per mile for conveying the list to the county clerk's office; and the sum due each marshal for services shall be calculated at the rates aforesaid, by the clerk of the county to which the proper return is made, and his certificate of the amount shall be paid by the treasurer of said county; but the board of supervisors of the county may allow the marshal such additional compensation as may be deemed just by said board: *Provided*, It shall not exceed two dollars and fifty cents for every fifty persons by him returned from the organized counties: *Provided further*, That before a marshal shall be entitled

Compensation of Marshals.

eight west : *Provided*, That the title of said described lands is at the time of erecting the said dam, vested in the said Philo Beers and Anson Ensign, or that they obtain the permission of the owners thereof.

Height of  
dam.

Sec. 2. The said dam shall not exceed four feet in height above low water mark, and shall have a good and sufficient sluice or apron of convenient width and dimensions to admit the safe passage of rafts of every kind, down that river, and such boats and canoes as may navigate the same, which said sluice or apron shall be kept in good repair by the person or persons using said dam.

Previous.

Sec. 3. Nothing in this act shall be construed to authorize the persons above named, their heirs or assigns, to enter upon or flow the lands of any other person or persons : . *Provided*, That the occupant of said dam shall construct therein or thereat, a convenient lock for the safe passage of boats, canoes, rafts or other water craft, whenever the Circuit Court of said county shall order upon good cause shown.

Sec. 4. If, at any time hereafter, the water should be required to be drawn from said river for the purpose of internal improvement or navigation, it shall not be lawful for the said Philo Beers and Anson Ensign, or any other person or persons owning said dam to claim or recover any damages therefor.

Sec. 5. The legislature may at any time amend or repeal this act

Approved March 19, 1845.

### No. 29.

## AN ACT to provide for the payment of G. F. Rood and Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Michigan*, That the State Treasurer be, and he is hereby authorized to pay out of any monies in the treasury, not otherwise appropriated, the sum of one hundred and thirty-three dollars and thirty-six cents, to G. F. Rood and Company, being the balance due for stationery furnished for the use of the Senate in eighteen hundred and forty-four.

G. F. Rood  
& Co.

Approved March 19, 1845.



No. 30.

**AN ACT to provide for laying out a State Road from Grand Rapids to Muskegon river.**

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Michigan*, That John F. Stearns, James Davids and Solomon Wright, be and they are hereby authorized to lay out and establish a state road from Grand Rapids, in the county of Kent, on the most eligible and direct route to the Muskegon river, in township twelve north of range eleven west, section eight, and file the survey of so much of said road in the office of the township clerk of each township through which said road shall pass, as shall be laid out in such township: *Provided*, That no expense incurred in laying out, establishing or constructing said road shall be chargeable to the state. *Provide.*

Sec. 2. Two years are hereby allowed and granted to the said commissioners for laying out and opening said road.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved, March 19, 1845.

No. 31.

**AN ACT to provide for the service of process upon the agents of corporations in certain cases.**

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That any writ or process hereafter issuing out of any court of record of this state in any suit against a corporation, incorporated company, or body politic and corporate, may be directed to and served by the Sheriff of any county of this state within his bailiwick by delivering a copy of such writ or process to the President, Cashier, Secretary or Clerk of such corporation, incorporated company, or body politic and corporate; and in case said President, Cashier, Secretary or Clerk cannot on diligent search be found, then the said writ or process may be served by the Sheriff to whom the same is directed by leaving a copy thereof with the agent of said corporation, incorporated company, or body politic and corporate: Service of process.

the first organization as hereinafter provided, one auditor shall be elected annually at the November election, to fill the vacancy occurring under the provisions of this act; and in case of death or resignation, the supervisors of said county of Wayne shall have power, and they are hereby directed to fill the vacancy *ad interim*." So

**As amended** that the entire section shall read as follows: "Section 1. That there shall be a board of county auditors for the county of Wayne, composed of three persons, who shall be elected at the general election in November next; and after their first organization, as hereinafter provided, one auditor shall be elected annually at the November election, to fill the vacancy occurring under the provisions of this act; and in case of death or resignation, the supervisors of said county of Wayne shall have power, and they are hereby directed to fill the vacancy *ad interim*."

**Sec 6 amended.** **Sec. 2.** Section six of said act is hereby amended by striking out all of said section after the words "section six," and inserting as follows, so that said section as amended, will read: "Section 6. The county auditors shall determine the amount of state and county tax to be raised in each and every year upon the taxable property of said county; and by their clerk report said amount to the board of supervisors on or before their meeting to apportion the same."

**Sec 10 amended.** **Sec. 3.** Section ten of said act shall be and is hereby amended by inserting after the word "day," in the second line thereof, the word "each," and by striking out the word "place," in the third line of said section, and inserting instead thereof, the word "places," and by striking out all after the word "meeting," in the fourth line of said section, and inserting as follows, to wit: And the accounts for such services and travel, and also all other claims against the county that may be made by any individual holding the said office of auditor, of whatever nature or description, shall be audited by the supervisors of said county, and certificates of the amount so audited and allowed, shall be issued by their clerk in the usual form; so that said section ten as amended shall read as follows, to wit: "Section 10. The county auditors shall be entitled to receive one dollar and fifty cents per day each, for their services as a board of auditors, and six cents for every mile travelled from their respective places of residence to the place of meeting, and their accounts for such services and travel,

and also all other claims against the county that may be made by any individual holding the said office of auditor, of whatever nature or description, shall be audited by a special board, consisting of the associate judges and judge of probate of said county; and certificates of the amount so audited and allowed, shall be issued by the county clerk in the usual form.

Sec. 4. Section nine of the act to which this act is amendatory shall be amended by striking out all after the words "Wayne county," in line fourth to the word "shall," in line fifth. Sec 9 amended.

Sec. 5. This act shall take effect from and after its passage.

Approved March 19, 1845.

# No. 40.

AN ACT to provide for laying out a State road from Victor, in the county of Clinton, to the new mill, so called, in the same county.

*Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That Joseph Hollister, William Swarthott, and Charles Roberts, be and they are hereby authorized* State road.  
to lay out and establish a state road, commencing at the north west corner of section thirteen in town six north of range one west, and running thence on the most direct and eligible route through the Rochester colony to the new mill, so called, on the Maple river, five miles below said Rochester colony, and file so much of the survey of said road in the office of each township clerk through which said road shall pass as is embraced within said town: *Provided, That no expense incurred in laying out or establishing said road shall be charged to the state.*

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1845.

## No. 41.

## AN ACT to incorporate the Odd Fellows Hall Association of the City of Detroit.

**Odd Fellows Association incorporated** Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William D. Willson, Benjamin F. Hall, Adrian R. Terry, John Robinson, jr., Hartford Joy, Asher S. Kellogg, and Charles S. Adams, and all persons who now are or hereafter may become associated with them, are hereby constituted a body corporate by the name of the "Odd Fellows Hall Association of the city of Detroit," and by that name shall have succession, and be capable of taking and holding by gift or grant, or purchasing, holding and conveying by sale, lease or otherwise, any estate, real and personal, necessary for the purposes of said corporation: *Provided always*, That the said corporation shall not, at any time hold or possess real and personal estate exceeding in value the sum of fifty thousand dollars: *Provided also*, That the said sum shall be exclusively employed for the object stated in the second section of this act: *And also provided*, That the said association shall not at any time be empowered to sell or otherwise dispose of their real estate, or any part thereof, without the consent of the Chancellor first had and obtained.

**May purchase site.** Sec. 2. The object of this association shall be to purchase a site and to erect thereon a convenient edifice for the accommodation of library and reading rooms, apartments for natural history, science and the arts; school, lecture and meeting rooms, and to provide for the education of orphan children.

**Officers.** Sec. 3. The government of the said association, and the management of its affairs, and property shall be vested in such officers, and according to such rules and regulations as the by-laws thereof shall from time to time ordain: *Provided*, That by-laws shall not conflict with any laws of this state, and the constitution of the United States, and of this state.

**Legislature.** Sec. 4. It shall and may be lawful for the legislature, at any time to demand a statement of the amount of property, real and personal, belonging to the said corporation, and of the debts due to and from said corporation, and the purposes for which disbursements shall have been made; and shall also have the right to authorize one or more

## LAWS OF MICHIGAN.

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persons to inspect such general accounts in the books of said corporation.

Sec. 5. The said corporation shall possess the general powers granted to corporations for the purposes mentioned in this act, and in the name of its corporate title may sue and be sued. Powers.

Sec. 6. The corporators mentioned in this act shall be jointly and severally liable for the payment of any debts contracted by such corporation: *Provided*, The third sub-division of section four of an act to provide for the assessment and collection of taxes, approved March 8, 1843, shall not apply to this corporation. Liability.

Sec. 7. The legislature may at any time alter or repeal this act.

Sec. 8. This act shall take effect immediately.

Approved March 19, 1845.

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### No. 42.

**AN ACT to organize certain townships, to change the names of certain townships, and for other purposes:**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that part of the county of Lapeer designated by the United States survey, as the south half of township number ten north of range number seven east, be, and the same is hereby set off from said county of Lapeer, and attached to the county of Tuscola. Tuscola.

Sec. 2. That all that part of the township of Henrietta, in the county of Jackson, lying south of the Portage river, be, and the same is hereby set off from said township of Henrietta, and attached to the township of Leoni, in said county. Leoni.

Sec. 3. That the name of the township of Plainfield in the county of Allegan, be, and the same is hereby changed to Gun Plain. Gun Plain.

Sec. 4. All that part of the township of Ottawa in the county of Norton. Ottawa, designated by the United States survey thereof as the north-east fractional quarter of section number one, and the north-west fraction of the north-west quarter of section number six, in township number seven north of range number fifteen west, and the north-

Muskego.

east fractional quarter of section number one, in township number seven north of range number sixteen west, be and the same is hereby set off from said township of Ottawa, and attached to the township of Norton, in said county, and all that part of said county of Ottawa designated by the United States survey as township number nine north of range number fourteen west, [and now part of the town of Muskego,] be, and the same is hereby set off from said town of Muskego, and attached to the said township of Norton.

Polkton.

Sec. 5. All that part of the county of Ottawa designated by the United States survey as townships numbered five, six, seven, and eight, north of range number fourteen west, be and the same is hereby organized into a separate township by the name of Polkton, and the first township meeting shall be held at the house of Timothy Eastman, in said township; that all highway tax hereafter assessed upon the real and personal property situate and belonging on the north side of Grand river, and within said township, shall be laid out and expended for highway purposes, on the north side of said river, and that the highway tax assessed upon the lands and property situate and belonging to the south side of said river, shall be worked and expended on said south side of said river.

Dallas.

Sec. 6. All that part of the county of Clinton designated by the United States survey as township seven north of range four west, now a part of the township of Lebanon, be and the same is hereby organized into a separate township by the name of Dallas, and the first township meeting shall be held at the house of George F. Dutton in said township.

Bloomingdale.

Sec. 7. All that part of the county of Van Buren, designated by the United States survey as township number one south of range fourteen west, now a part of the township of Waverly, be, and the same is hereby set off and organized into a separate township by the name of Bloomingdale, and that the first township meeting shall be held at the house of Elisha C. Cox, in said township.

Columbia.

Sec. 8. All that part of the county of Van Buren designated by the United States survey as township number one south of ranges fifteen and sixteen west, now a part of the township of South Haven, be and the same is hereby set off and organized into a separate township by the name of Columbia, and the first township meeting shall

be held at the school house in school district number one, in said township.

Sec. 9. All that part of the county of Van Buren, designated by the United States survey as township number two south of range number sixteen west, be and the same is hereby organized into a separate township by the name of South Haven, and the first township meeting shall be held at the house of Daniel Taylor, in said township.

Sec. 10. All that part of the county of Van Buren designated by the United States survey as township number four south of range number thirteen west, be and the same is organized into a separate township by the name of Porter, and the first township meeting shall be held at the school house near the residence of Benjamin Reynolds in said township.

Sec. 11. All that part of the county of Lapeer, designated as the south half of township number ten north of range number eight east, be, and the same is hereby attached to the township of Lapeer for judicial, election and taxation purposes.

Sec. 12. That all that territory known and designated by the United States survey as the county of Montcalm, [excepting townships nine and ten north of range five west,] be and the same is hereby organized into a township by the name of Montcalm, and said township is hereby attached to the county of Ionia for election, judicial, and taxation purposes; and the first township meeting therein shall be held at the house of Anson Ensign, in said township.

Sec. 13. All that part of the county of Ionia designated by the United States survey as township number five north of range number five west, be and the same is hereby set off and organized into a separate township by the name of Danby, and the first township meeting shall be held at the house of Chancellor Barringer, in said township.

Sec. 14. All that part of the county of Ionia designated by the United States survey as township number six north of range number six west, be and the same is hereby set off and organized into a separate township by the name of Orange; and the first township meeting shall be held at the house of Dean W. Tyler, in said township.

Sec. 15. All that part of the county of Ionia designated by the

United States survey as township number five north of range number six west, [now part of the township of Berlin and Portland,] be, and the same is hereby set off from said townships of Berlin and Portland, and organized into a separate township by the name of Sebawa ; and the first township meeting shall be held at the house of Jacob Showerman, in said township.

Sebawa.

Sec. 16. All that part of the county of Ionia, designated by the United States survey as township number eight north of range number six west, be and the same is hereby set off from the townships of Lyons and Ionia, in said county, and organized into a separate township by the name of Ronald, and the first township meeting shall be held at the house of William J. Clarkes, in said township.

Ronald.

Sec. 17. And that part of the county of St. Joseph designated by the United States survey as township number eight south of range number ten west, [now part of the township of Sherman,] be, and the same is hereby set off from said township of Sherman, and organized into a separate township by the name of Sturgis, and the first township meeting shall be held at the Sturgis Prairie Hotel, in said township, and the next township meeting for the township of Sherman, shall be held at the house of George Taylor, in said township.

Sturgis.

Sec. 18. All that part of the county of Branch designated by the United States survey as township number eight south of range number eight west, [now part of the township of Bronson,] be and the same is hereby set off from said township of Bronson, and organized into a separate township by the name of Noble, and the first township meeting shall be held at the house of John Grove, in said township.

Noble.

Sec. 16. All that part of the village plat of the village of Rawsonville, in the counties of Wayne and Washtenaw, lying on the southerly side of the river Huron, be and the same is hereby vacated, and all streets, public squares and alleys in the part of said village plat hereby vacated, shall revert to Amariah Rawson, his heirs and assigns forever.

Streets vacated.

Sec. 20. All that part of the county of St. Joseph designated by the United States survey as sections numbered thirty-four, thirty-five and thirty-six, of township number seven south of range number eleven west, [now part of the township of Florence, in said county,] be and the same is hereby set off from said township of Florence, and

Florence.



attached to township number eight south of range number eleven west.

Sec. 21. All that part of the village of Flint, described as blocks numbered 44, 46, 48 and 50, and the streets bordering on the same be Part of village of Flint vacated. and they are hereby vacated.

Sec. 22. That the name of the township of Carnes, in the county of Marquette be and the same is hereby changed to that of MacLeod. MacLeod.

Sec. 23. That the name of the township of Romulus, in the county of Wayne, shall be, and the same is hereby changed to Wayne. Wayne.

Sec. 24. That the name of the township of Tom Benton, in the county of Eaton, shall be, and the same is hereby changed to Benton. Benton.

Sec. 25. That the territory of the township of Essex, in the county of Clinton, be, and the same is hereby extended so as to embrace township nine north of ranges two, three and four west, being now a part of the county of Gratiot.

Sec. 26. That the county of Huron be, and the same is hereby organized into a separate township by the name of Polk, and that Polk. the first township meeting be held at the dwelling house of John Clice, in said township.

Sec. 27. All that part of the village plat known as the north-east division of Lapeer county site, which is situated south of Farmer's Part of village of Lapeer vacated. Creek, and east of Flint River, be, and the same is hereby vacated.

Sec. 28. All that part of the county of Saginaw designated by the United States survey as township number nine north of ranges number one, two, three and four east, be, and the same is hereby organized into a separate township by the name of Northampton, and the Northampton. first township meeting shall be held at the house of T. W. Wright, in said township.

Sec. 29. This act shall take effect and be in force from and after its passage.

Approved March 19, 1845.

## No. 43.

## AN ACT for the relief of the Monroe and Ypsilanti Railroad Company.

Time extended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the construction of the Monroe and Ypsilanti Railroad be extended six years from and after the twentieth day of March, one thousand eight hundred and forty-four, [1844,] and the rights, powers and privileges of said corporation shall be renewed and extended to them the same in every particular as was originally granted them by their act of incorporation: *Provided*, That nothing herein contained shall be construed in the act to which this relates as giving or conferring banking power and privileges to said company.

Sec. 2. This act shall take effect from and after its passage.

Approved March 19, 1845.

## No. 44.

## AN ACT to authorize the board of supervisors of the respective counties of this State to raise by tax, a sum sufficient to erect county buildings.

Supervisors authorized to raise \$2000.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the board of supervisors of the several counties of this State be, and they are hereby authorized and empowered, to cause to be raised by tax, in their respective counties, such sum or sums of money as said boards shall judge necessary, not exceeding two thousand dollars, to erect or purchase county buildings for their respective counties: *Provided, however*, That such sum shall not exceed two mills on the dollar upon the taxable property in any county in any one year.

When resolution.

Sec. 2. The proposition to raise money not exceeding two thousand dollars as aforesaid, may be made at any regular meeting of the board of supervisors, and it shall be by resolution, to be adopted by a majority of the said board, stating the amount proposed to be raised and the manner of raising the same, which resolution shall not be finally acted upon until after the first Monday of April thereafter:

*Provided*, The said resolution shall be printed in a newspaper published in the county, or in case there shall be no newspaper published in the county, then it shall be posted up in some public place in each township, at least six weeks prior to the first Monday of April thereafter as aforesaid. Resolution to be published.

Sec. 3. No board of supervisors of any county in this State, shall erect any county buildings at a charge of more than two thousand dollars upon the taxable property of their county, unless they first submit the question to the people, stating the amount they propose to raise, and a majority of the electors voting at the election of said county by vote, at a general or special election (in the manner now provided by law) shall authorize said board to raise by tax or loan, the amount so specified. When to be submitted to the people.

Sec. 4. If the board of supervisors of any county shall, by resolution, determine to raise any sum, not exceeding two thousand dollars, for the objects contemplated in this act, or if the people shall, by vote, as aforesaid, authorize the raising a larger sum, then the said board of supervisors, in letting contracts under their said resolution, or in pursuance of the said vote of the people, shall let the same in such manner that the aggregate expenditures for finishing said buildings shall not exceed the sum named in the resolution as aforesaid, or the sum authorized by the electors to be raised as the case may be. Contracts, how let.

Sec. 5. The provisions of this act shall not apply to the county of Oakland; but in said county the board of supervisors may, in their discretion, raise annually any sum not exceeding two thousand dollars by tax, upon the taxable property in said county, for the purpose of erecting suitable county buildings: *Provided*, The whole tax to be levied for such purposes, shall in no case exceed eight thousand dollars; and in letting out contracts for the same, it shall be done in such manner that the aggregate expenditure for finishing said buildings, shall not exceed the sum of eight thousand dollars. Oakland co. Provision.

Sec. 6. All acts and parts of acts contravening the provisions of this statute are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 19, 1845.

## No. 45.

AN ACT to revive and extend an act entitled "an act to extend Fort Street, in the city of Detroit, until it intersects the road leading from the Detroit river to Dearbornville."

To extend  
Fort street.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That an act entitled "an act to extend Fort street, in the city of Detroit, until it intersects the road leading from the Detroit river to Dearbornville, approved March 22d, A. D. 1837," be, and the same is hereby revived and extended.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1845.

## No. 46.

## AN ACT to modify the License Law.

Election.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That at each township and charter election hereafter to be held in this State, the inspectors of election shall furnish for the reception of the ballots of qualified voters, an additional box, to be kept opened, and the ballots therein deposited to be canvassed, and the result ascertained and declared in the same manner with other votes cast at such election.

Box to be  
furnished.

Sec. 2. There shall be written or printed upon the ballots deposited in said box by the qualified voters, the words "License" or "No License," and if, upon canvassing the said votes, it should be found that a majority of the votes given were inscribed "No License," the township, city and village authorities, heretofore authorized to grant licenses, shall be thereby prohibited from granting any license during the year next ensuing, for the sale of intoxicating liquors of any kind.

License.

Sec. 3. If, upon such canvass, it should be ascertained that a majority of the votes thus cast were inscribed with the word "License,"

then the township, village and city authorities may, in their discretion, grant licenses for the sale of intoxicating liquors, according to the provisions of existing laws.

Approved March 19, 1845.

No. 47.

**AN ACT to organize a road district of parts of the counties of Oakland, Macomb and Wayne.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the territory described as follows, being one mile in width on each side of the road laid out according to law as a public highway, and partially improved, leading from the Clinton river on the county line, between the counties of Oakland and Macomb; said one mile on each side of said road to commence at section twelve in Royal Oak, and section seven in the town of Warren, thence south to the south bounds of said counties, thence southerly to the Fort Gratiot road, near the city of Detroit, is hereby organized and declared to be a road district for the purposes of this act.

Road districts in Oakland & Macomb.

Sec. 2. Charles Davy, of Warren, is appointed the commissioner thereof to receive and expend in and upon the improvement and working of said highway, and the ditches connected therewith, for the ensuing three years, the highway taxes assessed, and not expended, or to be hereafter annually assessed on said one mile in width on each side of said highway, who may be removed from office by the Governor; and in case of a vacancy in the said office of commissioner by death or otherwise, the vacancy shall be filled from time to time by a new appointment by the Governor of this state.

Charles Davy Com'r.

Sec. 3. The laws of this state relating to highways, the assessing and collecting, expending and working out road taxes and assessments, shall have effect and regulate all the proceedings within said road district above described and organized, except as modified and regulated by this act.

Amendment

Sec. 4 This act shall take effect and be in force from and after its passage.

Approved March 19, 1845.

## No. 48.

**AN ACT to amend an act entitled "An act to divide the Upper Peninsula into six counties and to define the boundaries of the same," approved March 9, 1843.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That sections four and five (4 and 5) of an act entitled "an act to divide the Upper Peninsula into six counties and to define the boundaries of the same," approved March 9, 1843, be and the same are hereby repealed.*

**Sec. 4, 5, 6.** Sec. 2. That the following sections stand as sections four, five and six, (4, 5, and 6) of said act, to wit :

Sec. 4. All that portion of the State, embraced between ranges twenty-three and twenty-four (23 and 24) west, the north boundary of township forty-one (41,) the line between ranges thirty-seven and thirty-eight, (37 and 38) west, and the north boundary of township forty-nine, (49,) shall be laid off as a separate county and known and designated as the county of Marquette.

Sec. 5. All that portion of the State embraced between the north boundary of township forty-nine, (49,) the line between ranges thirty-seven and thirty-eight (37 and 38) west, and lake Superior, together with the islands in said lake west of the county of Schoolcraft, shall be laid off as a separate county, and be known and distinguished as the county of Houghton.

Sec. 6. All that portion of the State embraced within the line between ranges thirty-seven and thirty-eight (37 and 38) west, the north boundary of township forty-one (41,) the Montreal river and Lake Superior, shall be laid off as a separate county, and be known and designated as the county of Ontonagon.

**Sec. 7 and 8** Sec. 3. Sections six and seven [6 and 7] of the act referred to, shall be numbered as sections seven and eight, [7 and 8.]

**Amendment** Sec. 4. Section seven (7) of the original act above referred to, shall be amended by inserting the word "Houghton" between the words "Marquette" and "and," in the first line of said section.

**Title amended.** Sec. 5. The title of the act above referred to shall be amended by striking out the word "six" in said title, and inserting the word "seven" in lieu thereof.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 19, 1845.

No. 49.

AN ACT to provide for the alteration of a certain State road.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners of Highways of the township of Hanover, in the county of Jackson, or their successors in office, be, and they are hereby authorized and empowered to alter the State road running through said township on section number twenty-five : *Provided* said alteration shall be attended with no expense to said township or county. Alteration.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1845.

No. 50.

AN ACT to authorize the appointment of commissioners to take acknowledgement of Deeds and Instruments of writing under seal out of the State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Governor be hereby authorized to name, appoint, and commission one or more commissioners in each or such of the other states and territories of the United States, or in the District of Columbia, as he may deem expedient ; which commissioners shall continue in office during the pleasure of the Governor, and shall have authority to take acknowledgment and proof of the execution of any deed, mortgage or other conveyance of any land, tenements, or hereditaments lying and being in this State, any contract, letter of attorney, or any other writing under seal, to be used and recorded in this state ; and such acknowledgment or proof taken or made in the manner directed by the laws of this State, and Com'rs to take acknowledgment of deeds, &c.

certified by any one of said commissioners, before whom the same shall be taken or made, under his seal, which certificate shall be endorsed on said deed or instrument aforesaid, shall have the same force and effect, and be as good and valid in law for all purposes, as if the same had been taken or made before any officer authorized to take such acknowledgment residing in this state.

Power of.

Sec. 2. Every commissioner appointed by virtue of this act shall have full power and authority to administer an oath or affirmation to any person who shall be willing and desirous to make such oath or affirmation before him, and such affidavit or affirmation made before such commissioner, shall, and is hereby declared to be as good and effectual to all intents and purposes, as if taken by any officer authorized to administer oaths, resident in this state. *Provided*, that wilful and false swearing in taking any such oath or affirmation, would by the laws of the state wherein the same shall be made, be deemed perjury.

Oath.

Sec. 3. Every commissioner appointed as aforesaid, before he shall proceed to perform any duty under and by virtue of this law shall take and subscribe an oath or affirmation before a justice of the peace, in the city or county in which such commissioner shall reside, well and faithfully to execute and perform all the duties of such commissioner, under and by virtue of the laws of this state; which oath or affirmation shall be filed in the office of the Secretary of State of this state.

Approved March 19, 1845.

### No. 51.

**AN ACT to provide for laying out, establishing and constructing a State Road, in the county of Macomb.**

State road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*. That there be laid out and established a State road in the county of Macomb, commencing on the base line between sections thirty-three and thirty-four, in township one north, of range twelve east, running thence north through the townships of Warren and Sterling, on the most direct and eligible route to the village of Utica, in said county, and that Pliny Power, Robert F. Mitchell, and Andrew D. Davison, be and they are hereby appointed commissioners to lay out and establish said road.



Sec. 2. It shall be the duty of said commissioners to lay out and establish said road within six months from the passage of this act, and file a survey of so much of said road as shall be laid out in each of the aforesaid townships with the respective township clerks, who shall record the same in a book kept for that purpose.

Commissioners, duty of.

Sec. 3. That for the purpose of constructing said road, there be, and is hereby appropriated to be expended as hereinafter provided the non-resident highway tax for the year one thousand eight hundred and forty-four, which shall remain unexpended on the first day of May next, and the non-resident highway taxes which may hereafter be assessed for the years one thousand eight hundred and forty-five, one thousand eight hundred and forty-six, one thousand eight hundred and forty-seven, one thousand eight hundred and forty-eight, and one thousand eight hundred and forty-nine, upon lands owned by non-residents upon the line of said road, through said townships, for the distance of four miles east from the west line of said townships, excepting so much of said four miles in width as may be east of the Clinton river, and sections eighteen, nineteen, thirty and thirty-one, in said township of Warren.

Non-resident taxes.

Sec. 4. The commissioners of highways in each of the above named townships shall have the superintendence of said road within their respective townships, and shall direct where the labor shall be performed on said road, and receive and pay out the funds hereby appropriated in their respective townships for the construction of said road.

Highway com'rs.

Sec. 5. Said commissioners of highways in their respective townships shall have the power to contract for the doing of work on said road in such parcels as they may deem expedient, first giving public notice of the time and place of the letting of such contracts, by posting up at least three notices in three of the most public places in the aforesaid village of Utica, at least ten days before the letting of said contracts, which said contracts shall be let to the lowest bidder, giving good security to the satisfaction of said commissioners of highways for the faithful performance of said contracts.

Power of

Sec. 6. Any non-resident who may wish to perform the labor assessed upon his lands lying within the limits designated in the third section of this act, may apply either by his agent or otherwise, to the

Non-resident may work his tax.

commissioners of highways of either of the aforesaid townships in which his lands lie, and upon such application said commissioners of highways shall direct when and where, and in what manner the labor shall be performed on said road, and whenever the same shall be fully and satisfactorily performed, the said commissioners of highways shall give a receipt therefor, and upon presentation of such receipt to the overseer of highways of the road district in which said lands lie, if presented before the time designated by law for the return of unpaid highway taxes, the said overseer shall cancel the tax acknowledged to be paid by said receipt.

**Commutat'n** Sec. 7. Whenever any person shall commute the highway tax assessed upon non-resident lands embraced within the provisions of this act, and the same shall be paid to the overseers of highways, he shall pay the same within thirty days thereafter to the township treasurer of the proper township, who shall give his receipt therefor, and all monies collected in either of said townships shall be disbursed in the township in which it is collected.

**Compensation.** Sec. 8. Each of the persons employed in the laying out and establishing said road, shall be allowed such compensation for his services as the township board of each of the aforesaid townships shall deem reasonable, to be paid out of the aforesaid road fund.

**Penalty for neglect.** Sec. 9. Any person who shall refuse or neglect to perform the duties enjoined upon him by this act, shall forfeit and pay a sum not less than five, nor more than twenty dollars; and the supervisors of the aforesaid townships are authorized and empowered to sue for and collect the same in an action of debt before any justice of the peace in said township, and when collected pay the same over in equal portions to the treasurers of said townships for the benefit of said road.

Sec. 10. The laws regulating highways in this state not contrary to the provisions of this act shall apply to this road.

Sec. 11. The state shall not be chargeable with any expenses or charges incurred by the laying out and establishing said road.

Sec. 12. This act shall take effect and be in force from and after its passage.

Approved February 19, 1845.

## No. 52.

**AN ACT to authorize Ann Reeve to execute a conveyance or conveyances of certain real estate.**

*Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That Ann Reeve, of Detroit, in the county of Wayne, be and is hereby authorized to execute a deed or deeds in due form, of the following described premises, to wit: The west half of the south east quarter and the north east quarter of south east quarter of section thirty-four, in township one north of range twelve east, according to the United States survey for the state of Michigan, heretofore conveyed to James Flynn, of Rochester, in the state of New York, as trustee for the said Ann Reeve, and any such deed or deeds duly executed and recorded shall be deemed to convey and assure to the grantees therein named, their heirs and assigns forever, the full and sufficient legal title, in and to the aforesaid premises for all intents and purposes whatever.*

Ann Reeve.

*Sec. 2. Nothing in this act shall be construed to prejudice the interests, or impair the vested rights of any person or persons not a party to any conveyance to be executed under the provisions of this act.*

*Sec. 3. This act shall take effect from and after its passage.*

Approved, March 19, 1845.

## No. 53.

**AN ACT to amend an act entitled "An act to incorporate the village of Coldwater, in the county of Branch," approved February 29, 1837.**

*Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That section one of said act is hereby amended so as to read as follows: "That all that tract or parcel of land in the county of Branch, embraced in the following limits, to wit: South west quarter of section 15, west half of section 22, the whole of section 21, and the south half of section 16 in township 6 south of range 6 west, be, and the same is hereby constituted a town*

Amendment

corporation, and shall be known by the name or title of the village of Coldwater."

Sec. 2. Strike out the words "Central Exchange," in the second and third lines of section two of said act, and insert the words "Court House."

Sec. 3. The President and Trustees shall have power,

Power of  
Trustees.

*First.* To levy and collect a capitation or poll tax, and also a tax on real and personal estate, not exceeding one half of one per centum per annum, to be expended in improving the streets, commons, lanes and alleys.

*Second.* To make rules and regulations for the prevention of fires; to prevent gambling, horse-racing and immoderate driving; to remove nuisances and obstructions from the streets, commons, lanes and alleys; to preserve shade and ornamental trees; for the apprehension and punishment of vagrants, drunkards and idle persons, and to regulate cemeteries and yards for the burial of the dead.

*Third.* To procure, at the expense of the corporation, from the Register's office of the county of St. Joseph, copies of all plats or maps of said village, or parts thereof, duly certified by said Register, and cause the same to be recorded in the Register's office of Branch county; the said Register is hereby authorized and required, on payment of the usual fees, to record the same.

*Fourth.* To survey and plat (in addition to what already is recorded) from time to time so much of said village as has been or shall hereafter be laid out, used or occupied as village lots, and number the same, and the said plat when certified under the hands of the President and Trustees, and by them duly acknowledged, shall be recorded in the Register's office of Branch county, and when so recorded, said lots may for the purpose of assessing and the collection of taxes thereon, be known and described by their number.

Jurisdiction  
of J. P.

Sec. 4. Justices of the Peace residing within the village, shall have jurisdiction of all causes of action and suits arising under the charter or any ordinance of said Board of Trustees, where the debt or damages shall not exceed one hundred dollars.

Sec. 5. This act shall take effect from and after its passage.

Approved March 19, 1845.

No. 54.

**AN ACT** to amend chapter 3, title 3, part 1st, of the Revised Statutes, relative to the duty of county surveyor.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section sixty-seven, chapter three, title three, part first of the revised statutes, be and the same is hereby amended by adding an additional clause, as follows: "And, if any county surveyor shall resign or be removed from office, or remove from the county for which he was elected, or if his term of office expire or be otherwise determined, except by death, he shall within thirty days therefrom deliver over to the clerk of the county for which he was elected, all field notes, books and papers which are required to be kept as matters of record. And if any county surveyor or deputy shall neglect or refuse to deliver over the same as aforesaid, he shall forfeit and pay over to the treasurer of the county, for every three month's neglect or refusal, a sum not exceeding twenty-five dollars, to be recovered with costs in an action on the case, at the suit of said treasurer, before any justice of the peace in the township in which said surveyor may reside." Revised statutes amended.  
Penalty.

Sec. 2. *Be it further enacted*, That section seventy of said chapter three, title three, part first of the revised statutes, be and the same is hereby repealed, and the following section substituted in lieu thereof: Amended.

Sec. 3. The county surveyor and his deputies shall receive for their services a sum not exceeding three dollars per pay, and for each mile they shall travel in going to and returning from the land surveyed, six cents. And for recording each survey, fifty cents, for a plat and certificate, fifty cents, and for a copy fifty cents. Substitute.

Approved March 19, 1845.

No. 55.

**AN ACT** to amend chapter four, title one, part three of the Revised Statutes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That chapter four, title one, part

**Revised statutes amended.** three of the Revised Statutes be amended by adding at the end of said chapter four the following sections :

**Substituted.** "Sec. 36. When any person interested in proceedings in any probate court shall be entitled to notice thereof, the judge of probate shall order such notice to be given as he may deem just and reasonable, in case there be no statute otherwise providing for the same."

**Process—by whom served.** "Sec. 37. The judge of probate may appoint any suitable person to serve any process or order of the probate court, and an affidavit of such service duly made by such person and filed in the probate office, shall be deemed sufficient evidence thereof."

**Court of probate.** "Sec. 38. The court of probate shall be authorized to audit and decide on the claims of creditors including executors or administrators, against any estate in the course of settlement therein, in the same manner as if such estate were represented insolvent; and all the provisions of law respecting the authority of commissioners of estates represented insolvent, and proceedings before them, and the right of appeal from their decision, shall apply to proceedings before the court of probate under this section : *Provided always,* That it shall be competent to represent any estate insolvent as now authorized by law, when the same shall be necessary and proper."

**Appeal.**

**Index.** "Sec. 39. It shall be the duty of the several judges of probate to make an appropriate and suitable index and calender of the probate proceedings in their offices respectively, and they shall also record any bond, affidavit, oath or other paper in probate proceedings."

**When continuance had.** "Sec. 40. If from any cause the probate court shall not be held at the time appointed for the hearing of any matters therein, all such matters shall stand continued till the next regular term of the court, unless otherwise agreed upon by the parties interested."

Approved March 19, 1845.

## No. 56.

### AN ACT relative to the Militia.

**Militia.** SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Section 14 of an act entitled "an act to amend the several acts relative to the militia," approved

April 13, 1841, which provides for paying Brigade and Division inspectors be, and the same is hereby repealed.

Sec. 2. That the grade, rank, or office of Division inspector, in the service of the militia of this state, be, and the same is hereby abolished.

Sec. 3. That all acts and parts of acts contravening the provisions of this act, be, and the same are hereby repealed.

Approved March 19, 1845.

No. 57.

AN ACT appropriating certain highway taxes for the improvement of the stage road from the village of Paw Paw, in the county of Van Buren, to the village of St. Joseph, in the county of Berrien.

*Whereas*, The regular stage road leading from the village of Paw Paw, to the village of St. Joseph, passes through a thinly settled district of country, where the highway taxes are insufficient to keep the road in good repair: *And whereas*, The revenue of the Central Railroad depends in a great measure upon said stage road being kept in good repair for the safe and comfortable transmission of passengers to and from the western termination of said railroad: *And whereas*, The present stage company owning the line of stages which convey passengers to and from the western termination of said Central railroad, have agreed with the Acting Commissioner of Internal Improvement to expend two hundred dollars upon said stage road: *Provided*, that certain non-resident highway taxes can be expended upon said stage road: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all the non-resident highway taxes which shall be assessed upon non-resident lands within one and a half miles on each side of said stage road, between the village of Paw Paw, in the county of Van Buren, and the village of St. Joseph, in the county of Berrien, be, and the same are hereby appropriated to be expended in improving said stage road between the village of Paw Paw and the village of St. Joseph, aforesaid, for the period of two years from the date of this act.

Non-resident  
taxes appropriate.

Duty of T.  
clerks.

Sec. 2. The township clerks of the counties of Van Buren and Berrien, in the townships in said counties through which said stage road passes, and in whose offices a survey of said road has been or may be recorded, are hereby required on or before the first day of June next, to deposite with the county clerks of their respective counties, certified copies of the recorded survey of said stage road, as the same has been duly laid out, which certified copy said county clerks shall preserve in his office.

Duty of su-  
pervisors.

Sec. 3. The board of supervisors of each of the counties of Van Buren and Berrien respectively, at their annual meeting in September of each year named in the first section of this act, shall make out a statement of the description of lands in their respective counties and within the limits designated in the first section of this act, together with the amount of highway taxes assessed and returned as unpaid on each description, and shall deliver the same to the county treasurers of their respective counties, who shall file the same in his office.

Duty of co-  
clerks.

Sec. 4. The county clerks of each of the above named counties, shall at the time mentioned in the preceding section, prepare separate documents as required in the preceding section, for each of the townships in which the said lands lie, of the amounts of highway taxes to be collected in the said townships, which statements shall be delivered to the supervisors of the townships respectively, who shall append said statements to the collection roll deposited by them with their respective treasurers; and all taxes which said treasurer shall collect on lands set forth in said statement, he shall pay over to the county treasurer of his proper county, at the same time he shall make his return of unpaid taxes.

Duty of co-  
treasurers.

Sec. 5. The county treasurers of the counties of Van Buren and Berrien respectively, shall each open accounts in a book to be provided at the expense of the counties respectively, for that purpose with the stage road fund, between Paw Paw and St. Joseph, and shall credit to said fund all monies that may be paid to them respectively, under the provisions of this act, and shall charge to said fund all warrants drawn in pursuance of this act—all payments made to the commissioners on account of their services, and such other necessary expenses in carrying into execution the purposes of this act, which



may be audited by the boards of supervisors of the respective counties named herein.

Sec. 6. A special commissioner shall be appointed for each of the counties named in this act, who shall have the superintendence of <sup>Special</sup> said road within their respective counties, and shall direct where all labor shall be performed on said road. <sup>Com'rs.</sup>

Sec. 7. Any non-resident who may wish to perform the labor assessed upon his lands lying within the limits designated in the first <sup>Non-resident's</sup> section of this act, may apply either by his agent or otherwise to the special commissioner of the county in which the lands lie: and on such application the said commissioner shall direct when and where, and in what manner the labor may be performed on said road; and whenever the same shall be fully and satisfactorily performed, the said commissioners shall give a receipt therefor; and upon such presentation of such receipt to the overseer of highways of the road district in which such lands lie, before the time designated by law for the return of unpaid highway taxes, the said overseer shall cancel the tax acknowledged to be paid by said receipt.

Whenever any person shall commute the highway tax assessed upon non-resident lands embraced within the provision of this act, and <sup>Commuted</sup> the same shall be paid to the overseer of highways, he shall pay over the same within thirty days thereafter, to the township treasurer, who shall give duplicate receipts therefor; one of which receipts said overseer of highways shall deposite with the county treasurer within ten days thereafter; and the township treasurer shall pay to the county treasurer on or before the fifteenth day of November in each year all monies that may come into his hands from overseers of highways.

Sec. 9. The special commissioners each in his own county, shall have power to let or contract by public auction any job or work upon said road, giving public notice thereof in a newspaper in said county, if there be one, and by posting up three or more written or printed notices in the most public places in the county, at least ten days before time of letting such contract, which shall be let to the lowest bidder giving good security to the satisfaction of the commissioner for the faithful performance of the said contract. <sup>Power of special com'rs.</sup>

Sec. 10. Whenever any such contract shall be performed, the

May draw  
warrant.

commissioner shall certify to the fact upon such contract, and shall thereupon draw his warrant upon the county treasurer for the payment of the same out of said stage road fund, and shall attach such warrant to the said contract ; and in case any person having so contracted shall fail in the performance of his contract, it shall be the duty of the commissioner to cause the same to be prosecuted in his own name for the benefit of the aforesaid fund.

Compensation.

Sec. 11. Each of the special commissioners shall receive, as a compensation for their services, one dollar per day, for each day actually employed in the business of said road, which actual employment each commissioner shall verify by his affidavit, and his account for services so verified shall be paid by the treasurer of his proper county out of said road fund.

Commissioners appointed.

Sec. 12. Benjamin F. Chadwick, of the county of Van Buren, and Harvey Enos, of the county of Berrien, are hereby appointed special commissioners under this act, for the counties in which they respectively reside, and in case either commissioner do not take and file the oath of office required by the constitution of this State, with the clerk of his proper county, on or before the first day of June next, the neglect thereof shall be deemed a vacancy ; and all vacancies which may happen by death, removal, or otherwise, shall be filled by the board of supervisors of the respective counties ; and any person so appointed shall, before entering upon the duties of his office, take and file as aforesaid, the constitutional oath of office.

Supervisors may fill vacancies.

Neglect to perform duties.

Sec. 13. If either special commissioner shall neglect or refuse to perform the duties of his office, the board of supervisors of the proper county shall have power to remove such commissioner from office ; but no removal shall be made without giving the said commissioner notice, and permitting him to be heard in his defence ; all which proceedings shall be entered at large upon the journals.

Tax to be expended.

Sec. 14. That two-thirds of all the resident taxes which would be expended upon said road under the present laws shall be laid out and appropriated upon such parts of said road within the respective road districts in each county of Van Buren and Berrien, and in such manner as the commissioners of the respective counties shall direct.

Duty of overseers of highways.

Sec. 15. That the overseers of highways of each road district through which said stage road passes, shall furnish the commissioner

of his respective county with a certified copy of his warrant, with names of the persons assessed in his district, and the number of days each person is assessed, within ten days after he receives the same from the commissioners of highways of his respective township.

Sec. 16. The laws regulating highways in this state, not contravening the provisions of this act shall apply to this road.

Approved, March 19, 1845.

No. 58.

**AN ACT to authorize John R. Haynes to construct a Dam across the Paw Paw river in the county of Van Buren:**

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Michigan*, That John R. Haynes, his heirs and assigns, be and they are hereby authorized and empowered to construct a dam across the Paw Paw river, in the county of Van Buren, on the north east fractional quarter of section number nine, town number three south, of range number fifteen west: *Provided*, Such dam shall not exceed four feet in height above common low water mark: *And provided further*, That a convenient lock shall be constructed of sufficient width and dimensions to admit the safe passage of boats, rafts, canoes and other water craft navigating said river: *And provided further*, That the said Haynes has the fee of the land above described, or the permission of the owners thereof to erect said dam.

Sec. 2. Nothing herein contained shall authorize the person above named, his heirs or assigns, to enter upon or flow the lands of any other person without the consent of such other person; and the legislature may at any time, alter, amend or repeal this act.

Approved March 19, 1845.

## No. 59.

AN ACT to provide for establishing and constructing a Wagon road from Jackson to the village of Saranac, in the county of Ionia, to be called the Clinton road.

Wagon  
road.

Commis-  
sioner ap-  
pointed.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there shall be laid out and established a wagon road, commencing at Jackson, in the county of Jackson, and running thence on the most direct and eligible route through the villages of Eaton Rapids and Charlotte, in the county of Eaton, to the village of Saranac, in the county of Ionia, and that Timothy White, of the county of Ionia, Harvey Williams of Eaton, and Abraham V. Perry, of Jackson county, be and they are hereby appointed commissioners to lay out and establish said road.

Appropriation.

Sec. 2. That for the purpose of improving said road, there shall be and is hereby appropriated to be expended as hereinafter provided, the non-resident highway tax for the year one thousand eight hundred and forty-four, which shall remain unexpended on the first day of May next, and the non-resident highway tax which may hereafter be assessed for the years one thousand eight hundred and forty-five, one thousand eight hundred and forty-six, one thousand eight hundred and forty-seven and one thousand eight hundred and forty-eight, upon the lands owned by non-residents upon the line of said road, for the distance of two miles each way from the centre of said road, excepting the last three miles of said road from its termination, at the village of Saranac: *Provided*, That if any lot or description not exceeding eighty acres of land (owned by non-residents as aforesaid) shall be partially embraced within said limits, and extend beyond said two miles, the highway tax upon said description shall be deemed appropriated as aforesaid: *Provided further*, That the above provision shall not apply to any non-resident lands in the township of Jackson, in the county of Jackson.

Duty of  
com'rs.

Sec. 3. It shall be the duty of the aforesaid commissioners to file the survey of so much of said road as shall be laid out in each township in the office of each township clerk, whose duty it shall be to record the same in the road book of the township; and it shall be the further duty of said commissioners to appraise all damages claimed

by any person or persons for right of way, and any person or persons feeling themselves aggrieved by such appraisal, may appeal therefrom to the board of supervisors, in the counties where such appraisal shall have been made, as now prescribed in an act entitled an act to abolish the office of county commissioners and for other purposes, approved February tenth, one thousand eight hundred and forty-two.

Sec. 4. A special commissioner shall be appointed for each of the counties named in this act, who shall have the superintendence of said <sup>Special com'r.</sup> road within their respective counties, and shall direct where the labor shall be performed on said road.

Sec. 5. It shall be the duty of the special commissioner each, in his own county to make out a correct list on or before the twentieth day of April next, of all the non-resident lands covered by the provisions of this act, and file the same with the county treasurer of the county wherein those lands are located. <sup>Duty of special commissioner.</sup>

Sec. 6. The county treasurers of the counties of Jackson, Eaton, and Ionia respectively, shall each open accounts in a book to be provided for that purpose, at the expense of the counties respectively, with the Clinton road fund, and shall credit the said fund all monies that may be paid to them respectively, under the provisions of this act, and shall charge to said fund all warrants drawn in pursuance of this act, all payments made to the commissioners on account of their services, and such other necessary expenses in carrying into execution the purposes of this act, which may be audited by the board of supervisors of the respective counties therein. <sup>County treasurers.</sup>

Sec. 7. The said special commissioners each in his own county shall have power to let or contract by public auction, any job or work up- <sup>Power of com'r.</sup> on said road, giving public notice thereof by posting up three or more notices within the several townships in the county through which the road passes, as near as may be upon the line of said road, at least ten days before the time of letting such contract, which shall be let to the lowest bidder, giving good security to the satisfaction of the commissioner for the faithful performance of said contract.

Sec. 8. Whenever any such contract shall be performed, the commissioner shall certify to the fact upon such contract, and shall there- <sup>May draw warrant.</sup> upon draw his warrant upon the county treasurer for the payment of the same, out of the Clinton road fund, and shall attach such war-

rant to the said contract, and in case any person having so contracted shall fail in the performance of his contract it shall be the duty of the commissioner to cause the same to be prosecuted in his own name for the benefit of the aforesaid account.

Non-resi-  
dents.

Sec. 9. Any non-resident who may wish to perform the labor assessed upon his lands lying within the limits designated in the second section of this act may apply either by his agent or otherwise, to the special commissioner of the county in which the lands lie, and on such application the said commissioner shall direct when and where and in what manner the labor may be performed on said road, and whenever the same shall be fully and satisfactorily performed the said commissioners shall give a receipt therefor, and upon presentation of such receipt to the overseers of highways of the road district in which such lands lie, before the time designated by law for the return of unpaid highway taxes, the said overseer shall cancel the tax acknowledged to be paid by said receipt.

Commuta-  
tion.

Sec. 10. Whenever any person shall commute the highway tax assessed upon non-resident lands embraced within the provisions of this act, and the same shall be paid to overseers of highways, they shall pay over the same within thirty days thereafter to the township treasurer, who shall give duplicate receipts therefor, one of which receipts said overseer of highways shall deposit with the county treasurer within ten days thereafter, and the township treasurer shall pay to the county treasurer on or before the fifteenth day of November in each year, all monies that may come into his hands from overseers of highways.

Special  
commission-  
ers appoint-  
ed.

Sec. 11. Nicholas Townley, of the county of Jackson, Robert Wheaton, of the county of Eaton, Charles W. Fullington, of the county of Ionia, are hereby appointed special commissioners under this act, for the counties in which they respectively reside, and before said commissioners shall enter upon their duties they shall take the oath prescribed by the laws of this state, and file the same with the county clerk of their respective counties.

Compensa-  
tion.

Sec. 12. Each of the commissioners shall receive as a compensation for their services one dollar and fifty cents per day for each day actually employed in the business of said road, which actual employment each commissioner shall verify by his affidavit, and his account

so verified shall be paid by the treasurer of his proper county, out of said road fund.

Sec. 13. All monies collected in a county shall be disbursed in the same county.

Sec. 14. Any person who shall neglect or refuse to perform the duties enjoined upon him by this act, shall forfeit and pay a sum not exceeding twenty dollars, and the commissioners herein mentioned may also be removed from office for such neglect or refusal by the board of supervisors of the proper county, who may enter such neglect or refusal at large upon their journal, but no removal shall be made by the board of supervisors without first giving said commissioners at least five days notice, to be heard in their defence, and any vacancies which may occur in any of the offices created by this act shall be filled by the board of supervisors of their respective counties.

Sec. 15. Any forfeiture incurred under and by virtue of this act may be recovered in an action of debt before any justice of the peace in the name of the people of the state of Michigan, which shall be paid to the treasurer of the county in which the forfeiture occurred, to be placed to the credit of the aforesaid fund.

Sec. 16. The laws regulating highways in this state not contrary to the provisions of this act shall apply to this road.

Sec. 17. The state shall not be chargeable for laying out and establishing said road referred to in section one, nor for any expenses whatever connected therewith.

Sec. 18. This act shall take effect and be in force from and after its passage.

Approved March 19, 1845.

## No. 60.

### AN ACT to provide for laying out, a State Road from Union City to Bowman's Mills.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Abraham Lowrey, David Kilborn and Lyman Studley be, and the same are hereby authorized to lay out and establish a state road from Union City, in the county of Branch, on the most eligible route to Bowman's Mills, in the town-

ship of Colon, St. Joseph county, and file the survey of so much of the said road in the office of the township clerk of each township through which said road shall pass as shall be laid out in such township; *Provided*, That no expense incurred in laying out, establishing or constructing said road shall be chargeable to the State.

*Sec. 2. Be it further enacted*, That four years be granted to the aforesaid persons for laying out and opening said road.

*Sec. 3.* This act shall take effect and be in force from and after its passage.

Approved, March 19, 1845.

### No. 61.

## AN ACT to authorize the sale of certain Lands on Macon Reserve.

*Preamble.*

*Whereas*, A patent was issued by the United States dated January the twenty-sixth, A. D. eighteen hundred and twenty-six, granting to the rector of the Catholic Church of St. Ann, of Detroit, for the use of said church, and to his successors in office, three sections of land containing nineteen hundred and twenty acres on the Macon Reserve, in Monroe county, and State of Michigan, in said patent described;

*And whereas*, Said church is incorporated under the name and style of "the Catholic Apostolic and Roman Church of St. Ann, of Detroit," having over it a Bishop, whose duties are performed by the Right Rev. Peter Paul Lefever, and who is also ex-officio rector of said church. The person who was rector at the time of said grant being dead, and having no other successor, save the person acting ex-officio as aforesaid;

*And whereas*, The said acting rector and trustees of said church for the purpose of avoiding litigation and expense, in regard to said lands, have petitioned for the passage of an act whereby license may be granted to sell such lands; Therefore,

*Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the trustees shall be, and they are hereby authorized and empowered to grant, bargain and sell for the

Trustees  
may sell  
lands.



use of said church of St. Ann, said lands in said patent described, in such parcels, at such times, for such prices, and in such manner as they may deem for the best interest of said church, and thereupon may execute to the purchaser or purchasers good and lawful deeds of conveyance in fee simple thereof, according to law.

Sec. 2. The proceeds of all such sales shall be by the said trustees of said corporation of St. Ann, invested in such kind of stocks and securities as they may think proper, for a term of years not exceeding three years, at a rate of interest of at least six per cent, per annum, which shall constitute a fund for the use and benefit of the said corporation of St. Ann. Proceeds.

Approved March 19, 1845.

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## No. 62.

### AN ACT to amend the several acts in relation to the village of Pontiac.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the taxes and assessments voted to be levied upon the inhabitants of said village under its charter or the amendments thereto, shall in no case exceed in the aggregate the sum of six hundred dollars for the year 1845, and the sum of three hundred dollars for any one year thereafter: *Provided*, That in addition to the foregoing, there may be raised by vote of the taxable voters of said village legally convened for that purpose, a tax for the repair of streets and bridges in said village, not exceeding the amount which might have been levied upon the inhabitants of said village by law for highway taxes in case said village had not been incorporated; which tax may be paid in labor on the streets and bridges aforesaid, and if not so paid, shall be paid in money, and shall be faithfully applied under the direction of the common council of said village to the purposes for which it shall be levied. Taxes.

Sec. 2. In making up any tax upon the inhabitants of said village, except the poll tax, the same shall be made and apportioned upon the last assessment roll of the township of Pontiac, a copy of which roll duly certified by the township clerk of said township, shall annually

be obtained by said common council for the purpose aforesaid, as soon as the same shall be lodged in the clerk's office.

Voters.

Sec. 3. No person shall be allowed to vote to raise a tax or assessment in said village upon real estate, unless he owns real estate to be taxed in said village.

\*Sec. 4. No assessment of the property in said village shall hereafter be made by the officers thereof.

Compensation.

Sec. 5. No officer or servant of said village except the Marshal, shall hereafter receive any compensation for his services, and the Marshal shall be the collector of said village.

Sec. 6. All acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Sec. 7. This act shall take effect from and after its passage.

Approved March 19, 1845.

### No. 63.

## AN ACT to vacate portions of certain streets in the village of Bertrand.

Vacation of certain streets.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the following portions of the several streets in the village of Bertrand, in the county of Berrien, to wit: The portion of Michigan street lying between Jefferson street and the St. Joseph River, the portion of Huron street lying between Jefferson street and Washington street, the portion of Adam street lying between Michigan street and Hudson street, and the portion of Washington street lying between said Hudson street and St. Joseph river, be and the same are hereby severally discontinued and vacated.

May be enclosed.

Sec. 2. That upon securing to himself the title thereto or the right of possession thereof, from the person or persons owning the land at the time said streets were set apart to public use, by the record of the plat of said village, it shall be lawful for E. Frederic Sarin and his successor, heirs or assigns to enclose the above described portions thereof with blocks thirteen, fourteen, eleven and twelve as designated on said plat, and to use and occupy the same for the erection of buildings suitable for a female seminary of learning, and for other purposes not inconsistent therewith.

Approved, March 19, 1845.

## No. 64.

**AN ACT to provide for the sale of lands bid in by the state for delinquent taxes and for other purposes.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That so much of the act entitled "*an act to provide for the assessment and collection of taxes*," approved <sup>*Amended.*</sup> March 8, 1843, as requires lands returned to the Auditor General's office for unpaid taxes, and on which the taxes, interest and charges are not paid, to be advertised and sold on the first Monday of October thereafter, be and the same is hereby repealed; and lands returned as aforesaid, on which the taxes, interest and charges shall remain unpaid for one year succeeding their return, shall be advertised and sold in such manner as is now or may hereafter be provided by law:—*Provided*, That no lands bid in by the State for taxes of any previous year, and remaining unredeemed, shall be advertised and sold as other lands, but shall be subject to sale as hereinafter provided.

Sec. 2. So much of the act above mentioned as authorizes the redemption of lands sold for taxes at any time within two years succeeding the sale is hereby repealed, and lands sold to individuals under the provisions of the first section of this act, may be redeemed within one year succeeding the sale, and not afterwards: *Pro-*  
*vided*, That if redeemed within three months after sale, three months interest shall be charged: if after three, and within six months, then six months interest; and if after six, and within nine months then nine months interest; and if after nine months, and within one year, then one year's interest shall be charged thereon at the same rate as is now provided by law. <sup>*When cer-  
tain lands  
may be re-  
deemed.*</sup> <sup>*Provide.*</sup>

Sec. 3. No land bid in by the state for taxes at the sales in the year 1844 or any year thereafter, shall be offered at the annual sales in October for any year's tax which was levied subsequent to the tax for which it was bid in, until it shall have been redeemed, or been sold by the state as provided in this act, but upon the amount due at the time when it would have been so offered, had it not been previously bid in by the state, there shall be charged interest at the rate of twenty-five per centum to the time of redemption or sale as hereinafter provided. <sup>*Lands not to  
be offered at  
Oct. sale.*</sup>

## LAWS OF MICHIGAN.

Any person or persons may redeem any lands, or any interest therein, which shall be clearly defined in any lands heretofore or that may hereafter be bid in by the state, at any time before the same shall be sold by the state as hereinafter directed, on application at the state treasury, on the certificate of the Auditor General of the amount of bid or bids, with twenty-five per cent interest thereon, from the day of sale to the day of redemption: *Provided*, That the person applying to redeem shall pay or cause to be paid at the time of such application, all taxes, interest, and charges that shall remain unpaid on said lands, in the Auditor General's office at the time of such application, and not otherwise. *And provided further*, That such payment shall not be construed, as conferring any title upon the person making the same; and shall have no other effect than to re-lease any lien or title acquired by the state by virtue of any sale or sales at which the same was bid in by the state.

Aud. Gen'l.  
shall furnish  
statements  
to co. treas-  
urers.

Sec. 5. The Auditor General shall furnish to each of the county treasurers of this state on or before the first day of August, 1845, and 1847, and in each and every year thereafter, a full and accurate statement of all lands in his county, that may have been bid in for the state, located in their respective counties, on which the time of redemption would have expired, had the same been sold to individuals, and which shall remain unredeemed until the first of June previous to said first day of August. Said list shall show the aggregate amount of all sums due to the state on each description of land, for redemption from sale and interest thereon, and all taxes and interest which shall have remained in the Auditor General's office unpaid for one year previous to the said first day of June; the interest to be computed to the first Monday of October following the publication of said list; *Provided*, for 1845 it shall not be necessary for the Auditor General to furnish to the county treasurers any other list than is now published.

Statement  
to be pub-  
lished.

Sec. 6. The Auditor General shall cause the statement thus furnished, to be published for six weeks successively next previous to the first Monday of October 1845 and 1847, and each and every year thereafter, in the manner now designated by law for the publication of lands delinquent for taxes; and shall cause to be published therewith a notice that the lands described in said statement will be sold at

public sale by the treasurer of the county wherein said lands are situated, at the time and place designated for ordinary tax sales, under the direction of the Auditor General. The said notice shall also state <sup>Notice.</sup> the minimum bid receivable at such sale shall be the aggregate so found due as aforesaid: *Provided*, That the aggregate amount for which lands shall be offered in 1845, shall be the amount due the state for all years to and including 1840, with the interest thereon to the day of sale. The county treasurer shall, on payment of the purchase money, issue certificates of sale to the purchasers, in such form, and make such returns of sales to the Auditor General, as shall be prescribed by him, and shall also transmit the monies received on such sales to the State Treasurer in such manner as shall be by him directed.

Sec. 7. On the day designated in the notice aforesaid, each county treasurer shall commence the sale at the place designated, and continue the same from day to day, (the first day of the week excepted,) until he has offered all the lands embraced in his said list, which shall not be redeemed or otherwise discharged; and he may re-offer and sell any description where a bidder shall refuse to pay his bid for twenty-four hours after the lists are gone through; or he may in his discretion demand immediate payment; and if not paid, cancel the bid and re-offer the lands. <sup>Sale.</sup>

Sec. 8. The Auditor General shall on presentation of the certificate of sale at his office, or as soon thereafter as may be, execute a deed of the lands to the purchaser, or his assigns, which shall convey the right acquired by the state under the original sale or sales to the state, subject to all taxes duly assessed on the lands described therein; which deed shall be deemed prima facie evidence of the correctness of all the proceedings to the date of the deed, and when duly acknowledged may be recorded and admitted as evidence in courts of justice. <sup>Deed.</sup>

Sec. 9. Purchasers at the sale aforesaid may also at their option, pay to the State Treasurer on the certificate of the Auditor General the amount that may be due the state on the lands they may severally purchase, that may have been bid in by the state for taxes of any year, and acquire all the rights of the state to a deed thereof, if not redeemed, and to the redemption money, if redeemed, the same as though they, instead of the state had been the original purchasers. <sup>Am't due may be paid</sup>

Sec. 10. The Auditor General shall have power, and it shall be

**Aud. Gen'l  
to cancel  
sale.**

his duty to cancel the sale provided for in this act, in all cases where the original sale to the state be shown to his satisfaction to have been for any cause invalid, and he shall on demand draw his warrant on the treasury for the amount of purchase money, and seven per cent interest in favor of the purchaser or his assigns, and no person refusing or neglecting to take the purchase money, and surrender his deed for cancelment, shall be entitled to interest after he shall have been notified by the Auditor General that the sale has been cancelled :—  
*Provided*, Such proof shall be offered to the Auditor General within two years from the date of such sale and not after.

**Lands to be  
struck off to  
the state.**

Sec. 11. All lands offered at public sale as required in this act, on which no bid is made equal to the minimum price designated, and which shall not have been redeemed or otherwise discharged from the tax due thereon, prior to the first of March succeeding the day of offering them, shall be struck from the assessment rolls, and not again be assessed until they are sold by or redeemed from the state.

**Lists to be  
sent to co.  
clerks.**

Sec. 12. For this purpose the Auditor General shall transmit to the several county clerks, in the months of March in each year, lists of all lands to be struck from the assessment rolls in the several counties, and lists of such as have been previously struck out, but are to be restored and again assessed ; and the several county clerks shall transmit a list before the first Monday in April following, to the several supervisors, designating such lands in their respective townships as are to be left out of the assessment roll, and such as have been previously left out, but are to be restored. The Auditor General shall also furnish a duplicate copy to each county treasurer for the use of his office.

**Office charges  
to be  
paid.**

Sec. 13. On application to the Auditor General for deeds, as provided in section eight of this act, the purchaser shall pay an office charge of twenty-five cents for the first, and six cents for each subsequent description contained in each deed, which shall be paid into the State Treasury to the credit of the general fund.

**Printers—  
how paid,**

Sec. 14. To the several printers there shall be paid for publishing the statements and notices herein directed, at the rates allowed by law for the publication of lands delinquent for taxes for the current year; the amount to be audited and allowed by the Auditor General, together with the expenses of postage and sale by the county treasurers, and paid by warrants drawn by him on the general fund.

Sec. 15. That so much of the eighth section of an act to amend an act entitled "an act to provide for the assessment and collection of taxes," approved March 8, 1843, and for other purposes, approved March 11, 1844, as provides that after the year 1844, the county treasurers shall designate the newspapers in which the tax lists shall be published, be and the same is hereby repealed; and the Auditor General shall for the year 1845, and for every year thereafter, designate the newspaper prior to the first day of April, in each year, and cause the tax lists to be published agreeably to the provisions of said amendatory act, approved March 11, 1844: *Provided, however,* That after the present year he shall designate no paper in any county unless it has been established in such county for six months prior to the first day of April: *And provided further,* That if there be but one newspaper in a representative district, then the tax printing of that district shall be given to the said paper.

Sec. 16. That the provisions of an act entitled "an act in relation to certain actions of ejectment," approved February 17, 1842, shall apply to this act, and that all actions of ejectment in which the title of lands shall come in question by virtue of the sale thereof, as above specified, shall in all respects be governed by the provisions of that act.

Sec. 17. This act shall take effect and be in force from and after its passage.

Approved, March 20, 1845.

### No. 65.

**AN ACT to repeal a part of an act entitled "An act in relation to certain actions in ejectment."**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all after the word "ejectment," in the third section, and also the fourth and fifth sections of an act entitled "An act in relation to certain actions in ejectment," approved February 17, 1842, be and the same are hereby repealed. *Amendment*

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1845.

## No. 66.

## AN ACT for the relief of Horace Steevens.

**Preamble.** *Whereas*, Frederick H. Steevens did on the 12th day of September, 1837, purchase of the state of Michigan at public auction, the south east part of fractional section number sixteen, in township number two, north of range thirteen east, being primary school lands, for the sum of three thousand two hundred and seven dollars and thirty cents, estimated to contain one hundred and six acres and 91-100 of an acre of land.

*And whereas*, He, the said Steevens paid down at the time of receiving his certificate, the sum of three hundred and twenty dollars and seventy-three cents of the said purchase money, leaving a balance to be paid by instalments, the sum of two thousand eight hundred and eighty-six dollars and fifty-seven cents.

*And whereas*, On the first day of December, 1838, said Steevens paid, and there was endorsed on said certificate, the further sum of two hundred and fifty dollars and eighty cents, for interest due on said unpaid instalment, since which time there has been no payment made, and said land has thereby become forfeited to the state.

*And whereas*, On the fifth day of August, 1839, said certificate was duly assigned to Horace Steevens, who has made valuable improvements on said land.

*And Whereas*, It has been ascertained by actual survey that said fractional lot contains one hundred and ninety-six acres instead of one hundred and six acres and 91-100ths of an acre, as mentioned in said certificate of purchase.

**Horace Steevens.** *Sec. 1. Therefore, Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioner of the land office of the state of Michigan, be authorized and required on the application of said Horace Steevens to sell him, the said Steevens one hundred acres of said land for the minimum price of primary school lands, and to deduct from the price the said sum of three hundred and twenty dollars and seventy-three cents, so as aforesaid, paid towards the same: *Provided*, That said lands be surveyed under the direction of the commissioner of the land office at the expense of the said Steevens.

Approved March 22, 1845.



## No. 67.

**AN ACT** to provide for the re-assessment of Taxes rejected by the Auditor General, and for other purposes.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That whenever the Auditor General shall have rejected any state, county or township tax, for the reason that such tax was assessed to an amount exceeding the limitations of the law, it shall be lawful for the county treasurer of the county in which such tax shall have been rejected, and he is hereby authorized and required to make out and present a list of the lands with the taxes assessed, and the interest which may have accrued thereon, certified under his hand to the board of supervisors of such county, at their October session. Rejected taxes.

**Sec. 2.** The board of supervisors are hereby authorized and empowered to cause so much of said taxes as shall remain unpaid, to be re-assessed upon the same lands, and collected with, and in the same manner as the taxes for the year in which the same shall be re-assessed as aforesaid. Re-assessment.

**Sec. 3.** The amount of taxes so assessed as aforesaid, shall in no case exceed the limitation of the law, for the year in which the same was originally assessed; and if said taxes, by reason of any other illegality in the assessment or return, cannot be re-assessed on the same lands, the said board shall re-assess the same or such parts thereof, under the limitations aforesaid, as may be requisite to pay the debt of the township, caused by the rejection aforesaid, upon the taxable property of the proper township. Limitation.

**Sec. 4.** That if in any county in this state there is returned and remaining in the treasurer's office a list of unpaid taxes which have been rejected by the Auditor General since the year one thousand eight hundred and forty-two, for the reason specified in section one, the county treasurer of said county in which any such tax shall have been rejected, shall present a list of so much thereof as shall remain unpaid with the tax assessed, together with seven per cent interest thereon, certified under his hand to the board of supervisors at their session in the month of October next, who shall cause so much thereof as shall not exceed the limitation of the statute, (for the year in Co. treas'r. to return list of unpaid taxes, rejected by Aud.

which the same was levied,) to be re-assessed upon the same land, and shall be collected with and in the same manner as the taxes for the year eighteen hundred and forty-five. If said tax cannot for any other illegality in the assessment or return be re-assessed upon the same lands, they shall re-assess the same or such part thereof, (not exceeding the limitation of the statute for the year in which they were levied) as may be requisite to pay the debt of the township caused by the rejection aforesaid upon the taxable property of the proper township.

**Re-assess-  
ment  
in newly  
organized  
townships.**

Sec. 5. That if any township or townships may in whole or in part, be organized out of a township, the taxes of which, or any part thereof, have been rejected as aforesaid, for the reason mentioned in the preceding sections, and before the re-assessment of the taxes as aforesaid, the county treasurer of the county in which such townships are situated, shall present lists of so much of the taxes assessed in each of the said townships as were rejected by the Auditor General as aforesaid, together with seven per cent interest thereon, to the board of supervisors, at their session in October next, who shall thereupon proceed to re-assess the same in each township, in the same manner as mentioned in the second section of this act, and with like restrictions.

**Township  
treasurer.**

Sec. 6. That each township treasurer of the township or townships which may be organized in whole or in part, from a township as aforesaid, is hereby authorized and required to pay, within one week after the return day mentioned in his warrant, to the treasurer of the township out of which they were so organized as aforesaid, so much of the rejected town, school and highway taxes, and taxes for the support of the poor as may be collected by him, and shall return the balance of the taxes rejected as aforesaid, to the treasurer of the county in which such township is so situated, and to the credit of such township.

**Sec. 12 of  
an act, &c.,  
amended.**

Sec. 7. Section twelve (12) of an act entitled "An act to provide for the assessment and collection of taxes" approved March 8, 1843, shall be and the same is hereby amended by striking out the comma after the word "State" in the first line of said section, and inserting between the words "shall" and "unless" in lines first and second, the words "be the assessor." Also in line third of the same section, between the words "which" and "shall," insert the word "resolution," and inclose in a parenthesis all after the word "resolution," wher

it first occurs in line third to the word "township," inclusive in line fourth. Also, amend section sixteen of said act by adding to the third sub-division of said section the following: *Provided, That* where two or more village or city lots shall be owned and occupied as one parcel and used for one purpose, it shall be lawful to value and assess the same as one parcel. Also, amend section fourteen of the act aforesaid, approved March eighth, eighteen hundred and forty-

Sec. 14 amended.

three, by inserting in the last clause after the word "value" the following: of "personal property." Also amend section nineteen of the aforesaid act, approved March eighth, eighteen hundred and forty-three, by striking out in line six after the word "and" to and including the word "thereof" at the end of the seventh line. Also, amend section forty-two of said act by striking out all after the word "bond" in the ninth line to and including the word "appointment" in the tenth line, and inserting the words "and deliver a receipt for the same to the supervisor by the tenth day of November;" so that said section will read, "and in case the township treasurer shall refuse or neglect to file the bond with the county treasurer within the time prescribed by law as required by the twenty-sixth section of this act, and the township board shall fail to appoint a treasurer who shall give such bond and deliver a receipt for the same to the supervisor by the tenth day of November, the supervisor shall deliver the tax roll and warrant as aforesaid to the sheriff of the county." Also, amend section twenty-six of said act, by striking out after the word "township" in the first line to and including the word "township" in the third line and inserting the words "on or before the 25th day of October," and by inserting between the words "amount" and "and" in the third line, the words "the amount of state and county tax apportioned to his township," so that the section will read as follows: "The supervisor of each township on or before the twenty-fifth day of October, shall notify the township treasurer of the amount of state and county tax apportioned to his township, and such treasurer on or before the first day of November, shall give to the county treasurer a bond." Also amend section seven of said act by striking out the word "owner" in the third line, and inserting the words "person owing the same and."

Sec. 19 amended.

Also, amend section twenty-six of said act, by striking out after the word "township" in the first line to and including the word "township" in the third line and inserting the words "on or before the 25th day of October," and by inserting between the words "amount" and "and" in the third line, the words "the amount of state and county tax apportioned to his township," so that the section will read as follows: "The supervisor of each township on or before the twenty-fifth day of October, shall notify the township treasurer of the amount of state and county tax apportioned to his township, and such treasurer on or before the first day of November, shall give to the county treasurer a bond." Also amend section seven of said act by striking out the word "owner" in the third line, and inserting the words "person owing the same and."

Sec. 26 amended.

Also, amend section twenty-six of said act, by striking out after the word "township" in the first line to and including the word "township" in the third line and inserting the words "on or before the 25th day of October," and by inserting between the words "amount" and "and" in the third line, the words "the amount of state and county tax apportioned to his township," so that the section will read as follows: "The supervisor of each township on or before the twenty-fifth day of October, shall notify the township treasurer of the amount of state and county tax apportioned to his township, and such treasurer on or before the first day of November, shall give to the county treasurer a bond." Also amend section seven of said act by striking out the word "owner" in the third line, and inserting the words "person owing the same and."

Duty of supervisor.

Also, amend section twenty-six of said act, by striking out after the word "township" in the first line to and including the word "township" in the third line and inserting the words "on or before the 25th day of October," and by inserting between the words "amount" and "and" in the third line, the words "the amount of state and county tax apportioned to his township," so that the section will read as follows: "The supervisor of each township on or before the twenty-fifth day of October, shall notify the township treasurer of the amount of state and county tax apportioned to his township, and such treasurer on or before the first day of November, shall give to the county treasurer a bond." Also amend section seven of said act by striking out the word "owner" in the third line, and inserting the words "person owing the same and."

Amendment

Sec. 8. Section one of an act to amend an act entitled "An act to provide for the assessment and collection of taxes," approved March

8, 1844, and for other purposes, be and the same is hereby amended by striking out in said section all after the word "valuation" in line seventh to the end of the section.

Taxes.

Sec. 9. The Auditor General is hereby authorized and directed to receive the taxes for the year 1844, as if the limitation repealed by section eighth of this act had not constituted a part of the act amended by section eight aforesaid.

E. & K. R.  
R. do not to  
be taxed.

Sec. 10. That the shares of stock in the Erie and Kalamazoo Railroad Company, and all real and personal estate of said corporation, in this state, be and the same is hereby exempt from taxation for state purposes. But in lieu thereof, there shall be assessed annually, between the 1st and fifteenth days of May, by the Auditor General of this state, upon the capital stock of said corporation, a tax of one half of one per cent., which sum shall be annually paid into the state treasury by said corporation, on or before the first day of December next, ensuing said assessment.

Aud. Gen'l.  
to issue  
warrant.

Sec. 11. If said tax shall not be paid as aforesaid, the Auditor General of this state shall issue to the sheriff of Lenawee county a warrant containing a statement of the assessment aforesaid, and commanding such sheriff to collect from said corporation the tax aforesaid, and to account for, and pay over the same to the State Treasurer, on or before the first day of February then next; and the said warrant shall authorize said sheriff, in case said corporation shall refuse or neglect to pay said tax, to levy the same by distress and sale of any machinery, engines, locomotives, cars, and the articles used on the road of said corporation, known as the Erie and Kalamazoo Railroad, and any lumber, wood, or other materials purchased for use on said road, or owned by said corporation within the county of Lenawee aforesaid.

Sheriff, his  
duty.

Sec. 12. Said Sheriff, upon receiving the warrant aforesaid, shall proceed as required in said warrant, and when a levy is made as aforesaid, shall give public notice of the time and place of sale, and the property to be sold, at least ten days previous to the sale, by advertisement, to be posted up in at least three public places, in the township where such sale shall be made, and the sale shall be by public auction.

Sale of prop-  
erty.

Sec. 13. If the property levied upon shall be sold for more than

## LAWS OF MICHIGAN.

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the tax, the surplus shall be returned to said corporation, or to the person or persons entitled thereto, and the money received on said tax shall be forthwith paid over to the State Treasurer, and if said sheriff shall neglect or refuse to perform the duties enjoined by this act, he shall forfeit for the use of the state the amount of tax which he may be required to collect, as aforesaid, to be recovered by a civil action, in the name of the state, by the Attorney General of the state.

Sec. 14. The Auditor General shall audit and allow to said sheriff <sup>Compensation.</sup> for the services required by this act, such sum as he shall deem just.

Sec. 15. Nothing contained in section ten of this act shall be construed to prohibit the several townships of this state, in which said corporation may have taxable property, from levying and collecting the assessment upon said property, for county, township and village purposes.

Sec. 16. This act shall take effect and be in force from and after the first day of April next.

Approved March 22, 1845.

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### No. 68.

#### AN ACT to incorporate the St. Clair and Romeo Turnpike Company.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Timothy Morse, Jarvis Hurd, Alfred Ashley, Aldis L. Rich, Neil Gray, junior, Asahel Bailey and Theodorus Hazleton, be, and they are hereby appointed commissioners under whom, or any two of whom, subscriptions may be received to the capital stock of the St. Clair and Romeo Turnpike Company, hereby incorporated, and they shall cause books to be opened in Mt. Clemens and Lenox for two successive days at least, at such times as a majority of them shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving fifteen days notice of the time and place of receiving said subscriptions, by posting up notices thereof, at such places as a majority of them shall direct, or publishing the same in such papers as will give general notoriety of such books being opened, and the subscribers thereto, their succe- <sup>Commissioner appointed.</sup>

Politic.

sors and assignees for the period of thirty years after the passage of this act, be and the same are hereby ordained, constituted and declared to be a body politic and corporate, under the name and style of the "St. Clair and Romeo Turnpike company," and by that name they and their successors for the period aforesaid, shall and may have succession, and shall be persons in law capable of suing and being sued, pleading, and being impleaded, answering, and being answered unto, defending, and being defended in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have and keep a common seal; and they and their successors by the name aforesaid shall in law be capable of purchasing and holding any lands, tenements, hereditaments, and real and personal estates whatsoever: *Provided*, The same shall be necessary for the construction, repairs and preservation of said turnpike road, for the erection of toll gates and toll houses thereon: *And Provided further*, That the State of Michigan reserves to herself the right always of purchasing said turnpike road by paying said company the amount of the original cost and subsequent repairs, with seven per cent per annum interest thereon, after deducting what may have been received for tolls, the amount determined agreeable to the provisions hereinafter specified.

Proviso.

Capital stock.

Sec. 2. The capital stock of said company shall be one hundred thousand dollars, to be divided into two thousand shares of fifty dollars each, which shall be paid to said commissioners or the president and directors that succeed them, at such times and in such instalments as the by-laws of said commissioners or their successors shall require.

Directors.

Sec. 3. When ten thousand dollars of said capital shall be subscribed, there shall be nine directors chosen by the stockholders, one of whom they shall annually elect their president, who shall hold their offices severally, for one year, or until their successors be elected. The president and directors shall have general powers in transacting the business of said company, of settling and adjusting all claims, evidence of debt and liabilities which the by-laws of said company may authorize them to grant or incur, or which they may deem necessary to issue in prosecuting the construction and completion of said road. The first election shall be held at such time and place as said commissioners shall determine, by giving ten days pre-

Election.

vious notice thereof, by publication in some newspaper; at which meeting each stockholder may vote either in person or by proxy, each share being entitled to one vote. All elections thereafter shall take place on the first day of May, notice thereof being given as aforesaid: *Provided*, That this incorporation shall not be dissolved because the annual election was not held at the time above mentioned.

Sec. 4. When the company has been organized agreeable to the provisions of section three, they shall proceed to survey, mark and lay out such road, commencing at or near the village of Ashley, at such point as said company shall determine, in the county of St. Clair, thence westward through said county of St. Clair to the village of Romeo, in the county of Macomb; and the commissioners of highways in the several townships through which said road passes are hereby authorized to give, if they deem it expedient, the president and directors of said company full possession of any road or highway in their respective townships on which said President and directors may choose to locate said road upon the route which said road shall be located. Said company shall cause to be constructed a good and sufficient turnpike at least twenty feet wide from the inner side of one ditch to the other, which ditches shall be of sufficient depth and width, with under sluices and outlets sufficient to drain the water from said road. Organized.

Sec. 5. When the president and directors shall have completed said road or a portion thereof, it shall be lawful for them to give notice to the associate judges of the county in which said road shall be situated, who shall personally examine from time to time such portion of said road as may be completed, and if they find the same done according to the true intent and meaning of this act, they shall certify the same in writing to the clerk of said county where the road shall be situated, and direct him to issue a license under the seal of said county to permit said president and directors to make and erect as many gates upon and across said road as may be necessary and sufficient to collect the dues and tolls hereinafter granted to said corporation from all persons travelling upon or using the same: *Provided*, That they shall not have on said road more than one gate for taking whole toll in every ten miles, or one gate for taking half toll every five miles. Completion,  
to give notice.

**Toll gather-  
ers.**

**Rates of  
toll.**

Sec. 6. As soon as any portion of said road shall be completed, and permission as aforesaid granted to erect a gate or gates across the same, it shall be lawful for the president and directors to appoint toll gatherers to collect and receive from all and every person or persons using said road at said whole toll gate, or at each half toll gate in proportion, such toll and duties, to wit: For every score of swine or sheep, ten cents; for every wagon drawn by two horses, mules or oxen, twenty-five cents; for every additional horse, mule or ox, six and one-fourth cents; for every coach, pleasure wagon or carriage, thirty-seven and one-half cents; for every additional horse, ten cents; for every cart drawn by two oxen, fifteen cents; for every additional yoke, ten cents; for every cart drawn by one horse, mule or ox, twelve and one-half cents; for all sleighs or sleds drawn by one or more horses, mules or oxen, half the toll for vehicles on wheels; for every horse or mule rode, led or driven, twelve and one-half cents; for every horse or mule and rider, ten cents; for every head of neat cattle driven, two cents.

**Lawful to  
detain per-  
sons.**

Sec. 7. It shall and may be lawful for any toll gatherer to stop and detain any person riding, leading, or driving any cattle, horses, sheep, swine or any article named above in sec. 6, as subject to pay tolls, until the same be paid: *Provided*, That nothing in this section shall be so construed as to enable said corporation to demand or receive toll from any person at any gate passing to or from public worship, going to or returning from funerals, going to or returning from a grist mill for grinding grain for family use, from any militia men, or troops in the service of this State or the United States, or for the transportation of any property belonging to the United States, or to this State.

**To erect  
mile stones.**

Sec. 8. The said corporation shall cause mile stones or posts to be erected and maintained, one for every mile of said road from the commencement of said road; and if any person shall cut, injure or destroy said mile post, or said road itself, or shall forcibly pass the gate without payment of toll, such person or persons shall individually forfeit and pay for every such offence, twenty-five dollars, to be recovered by said incorporation in their incorporate name, and for their benefit, in an action of debt, before any justice of the peace in the county where said offence may be committed, or where the offender may



be found ; such offender or offenders shall also be liable to said company for all damages which said company shall sustain by reason of the commission of any injury which said company or said road itself may sustain.

Sec. 9. That if any toll gatherer shall unreasonably detain or hinder any traveller or passenger at either of said gates, or shall demand or receive more toll than by this act is established, he shall for every such offence forfeit and pay twenty-five dollars, to be recovered by the person so unreasonably detained, or of whom such money was received or demanded, for his own use, with cost of suit before any justice of the peace in the county where such detension occurred :—*Provided*, That if no goods and chattels of said toll gatherer be found to satisfy said judgment and costs, the personal property of said company shall be liable to execution issued on said judgment, and sold in the same manner as if execution had issued against said company in its corporate name.

Penalty for  
hindering  
travellers.

Sec. 10. The shares of said company shall be held as personal property, and may be transferrable in such a manner as the president and directors shall direct.

Shares.

Sec. 11. Whenever complaints shall be made to either of the associate judges mentioned in the fifth section of this act, in writing, that any part or parts of said road are out of repair, it shall be the duty of said associate judge to give notice to the other, both of whom shall proceed to examine such part or parts of said road, and view the same and if the same shall in the view of said judges be out of repair, then the said judges shall give notice in writing of such defect to the toll gatherer or person attending the gate nearest the place out of repair, and may also in their discretion in the said notice, order such gate or gates to be thrown open, and such gate or gates shall immediately after service of such notice as aforesaid, be open, and remain open, and no toll shall be demanded until said road shall be put in complete repair ; and if such keeper of the gate shall not immediately after the receipt of said notice open such gate or gates and keep the same open until after such repairs are completed, or shall hinder or detain any person or persons from passing said gates, or shall take or demand toll from any person or persons after receiving such notice, and until such repairs are completed as aforesaid, the toll gatherer or gate

Duty of as-  
sociate  
judge.

Toll gather-  
er to open  
the gate.

**Proviso.**

keeper so detaining any person shall forfeit the sum of twenty-five dollars for each and every offence, to be recovered before any justice of the peace in an action of debt, in any town where said detention occurs; and the property of said company shall be liable on said judgment, and the same may be taken on any execution issued thereon the same manner as if the same were issued against said company in its corporate name; and the said judges as a compensation for the duties required of them to perform by virtue of this act, shall receive one dollar and fifty cents per day for their services every day they are employed, to be paid by the toll gatherer nearest where the services are rendered, out of any monies collected at such places; and in default of such payments by the toll gatherer, the stockholders shall be individually liable to said judges: *Provided*, that whenever it shall appear to said judges that such complaint is made without sufficient reason, and is done for the purpose of harrassing the president and directors of said company, or the stockholders thereof, the person or persons only so complaining, shall be responsible to said judges for their fees aforesaid, and the same may be recovered in an action of debt brought before any justice of the peace in the town where either of said complainants live, or where either of them may be found.

**Power to  
appoint  
treasurer.**

Sec. 12. The president and directors shall have power, and it is hereby made their duty to appoint a treasurer who shall register in separate books all sums of money deposited with him, whether the same was received for subscriptions to capital stock, tolls collected, or any other source, and for what purpose, and to whom the same was paid out. They shall also appoint a secretary and such other clerks or agents as they may deem necessary to transact the business of the corporation, who shall severally execute bonds in such sums as the company require for the faithful performance of the duties of their respective offices, also meet from time to time at such places as they may consider expedient to receive subscriptions until the whole capital stock shall be taken, unless it shall be ascertained that a less sum will be sufficient to fulfill the object of this incorporation, to demand at such time and in such proportion as they shall see fit from the stockholders, the sum of money due on their respective shares, under pain of forfeiture of such shares, and all previous payments thereon

to the corporation to declare in what manner and under what restrictions the shares of their capital stock shall be transferrable. They shall also keep a set of corporate books open at all times to any or all of the stockholders, in which shall be entered the cost of the construction of said road, fixtures, and also the expenditures of said company, and also all moneys by them received, and an accurate account of the same duly authenticated by the oath or affirmation of the officers of said company shall be submitted to the legislature whenever the same shall be required; and the said directors shall make semi-annual dividends on the first Tuesdays of May and November in each year to each and every individual stockholder of his portion of the semi-annual profits, after deducting the expenses of collecting the tolls, repairing said road, and the fixtures thereto appended, and generally, may do all further acts necessary to carry into full force and effect the object of this incorporation.

Corporate books to be kept

Dividends.

Sec. 13. The said company in taking possession of any road for the purpose of improving the same or making improvements thereon shall make no obstruction or difficulties to prevent or impede the passage of travellers, teams, carriages or vehicles of any description while such improvements are going on, except such as are necessary and unavoidable, and no unnecessary delay shall occur in the progress and completion of said road.

Not to prevent travelling.

Sec. 14. The commissioners named in the first section of this act shall appoint one of their number to preside at the first election for directors; at all subsequent elections the president shall preside, or in his absence the senior director present shall preside.

President.

Sec. 15. A majority of the directors shall at all times constitute a quorum to transact business, and the acts of the majority shall at all times bind the stockholders.

Quorum.

Sec. 16. Said corporation is hereby required to commence said work within one year, and to complete the same within ten years; and said company shall have no rights or privileges to such parts of said road as shall not be completed in said ten years.

When said work to be commenced.

Sec. 17. The stockholders of said company shall be held individually responsible for all liabilities or evidences of debt whatever, against said company; and the refusal or failure of the president and directors to surrender property on execution issued, or judgment ren-

Individually liable.

dered against said company, the property of individual stockholders may be seized and sold on said execution in the same manner as if the said execution had issued against either of the said stockholders individually; and said liability shall continue until a transfer of stock is regularly entered upon the books of said company, and publication of the same be made four successive weeks in some newspaper printed in Macomb and St. Clair counties.

Duty of president and directors.

Sec. 18. It shall be the duty of the president and directors before commencing the construction of said road, to make out and publish in some newspaper printed in Macomb or St. Clair counties, a list of all the names of the stockholders, with the amount of stock held by each, and such publication shall be renewed on the first week in May and November in each year.

Approved, March 24, 1845.

### No. 69.

## AN ACT to amend an act relative to Common or Primary Schools, approved March 8, 1843.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Michigan,* That the first sub-division of section twenty-eight of an act relative to common or primary schools, approved March 8, 1843, be amended by striking out in the fifth and sixth lines of said sub-division, the words "which are situate more than two miles from the school house site," and insert the following: "Unless some portion of a legal sub-division of said lands shall lie within two miles of the school house site." Section thirty-seven of said act is also amended, by striking out the word "age" in the fifth line, and inserting the words "their several attainments."

When district may raise money.

Sec. 2. Whenever any school district shall be so large as to contain more than one hundred scholars, between the ages of four and eighteen years, the district may raise a sum of money from the taxable property of said district, for leasing or purchasing a site, and building a school house, not to exceed in amount, in any one year, four dollars for each scholar: *Provided,* That in no case shall such school house be connected with any other building: *And provi-*

*ded further*, That a majority of two-thirds of the constitutional voters, (according to article two, section one of the constitution,) voting at a school district meeting called for that purpose, shall vote for said tax.

Sec. 3. The board of school inspectors shall have power to appoint annually a librarian, whose duty it shall be to take charge of the township library, and shall perform all the duties of librarian, that were required to be performed by the township clerk, under the provisions of an act to which this act is amendatory, and shall be subject to the same fines and penalties, for the non-performance of such duties. Said librarian shall receive such annual compensation as the township board shall audit and allow. <sup>Power of sch. inspectors.</sup>

Sec. 4. So much of the ninth division of the forty-second section of the act above referred to as conflicts with the preceding section is hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 24, 1845.

## No. 70.

### AN ACT to authorize the Board of Supervisors of the County of Hillsdale to build a Jail.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the board of supervisors of the county of Hillsdale, if a majority of them shall so direct, are hereby authorized and empowered to cause to be erected in the village of Hillsdale, in said county, a jail, the cost of which shall not exceed the sum of four thousand dollars. <sup>Supervisors</sup>

Sec. 2. The said board of supervisors for the purposes of this act are hereby authorized and empowered to draw their warrants on the treasurer of said county to the amount of four thousand dollars in the usual form, in sums of not less than one hundred dollars each, with interest at the rate of seven per cent per annum, payable in not less than three nor more than seven years from the date of said orders. <sup>Warrants on treasurer.</sup>

Sec. 3. If the said board of supervisors shall draw their warrants on the treasurer of said county as provided in the second section of

Tax may  
be levied.

this act, they are authorized and required to levy a tax on the taxable property of said county as a part of the contingent expenses thereof, sufficient to pay the interest on the warrants they shall so draw for the purpose of building said jail, and the treasurer of said county is hereby directed to pay the interest on all such warrants presented at his office for payment, at any time after the second Monday in February, in each year, out of the monies levied and collected for that purpose.

Tax.

Sec. 4. The board of supervisors of said county shall cause a sufficient sum of money to be raised by tax on the taxable property of said county to pay and discharge the warrants drawn under this act, as fast as the same shall become due : *Provided*, The sum to be raised in any one year shall not exceed the sum of two mills upon one dollar of valuation of property.

Sec. 5. This act shall take effect and be in force from and after the first Monday in April next.

Approved March 24, 1845.

## No. 71.

AN ACT to amend an act entitled "An act to prescribe the powers and duties of Justices of the Peace in civil proceedings," approved April 9, 1841.

Appeal,  
when taken.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That any party to a judgment rendered by any justice of the peace in this state, conceiving himself injured or aggrieved by the rendition of such judgment, may appeal therefrom to the circuit court of the county in which the same was so rendered in the following cases: First, where final judgment was rendered upon an issue of law joined between the parties; second, where final judgment was rendered upon an issue of fact joined between the parties; third, where the defendant did not appear and plead, and final judgment was rendered for the plaintiff upon the merits of his claim.

Sec. 2. No party against whom a judgment has been rendered by a justice of the peace, upon any claim arising upon contract, express or implied, shall appeal therefrom to the circuit court, unless such party, his agent or attorney, shall within five days after the rendition

of such judgment, make and present to such justice an affidavit alleging therein that the party recovering such judgment, had recovered therein at least five dollars more than was justly and honestly due such party. And no party in whose favor a judgment has been rendered by a justice of the peace upon any claim arising upon contract, express or implied, shall appeal therefrom to the circuit court, unless such party, his agent or attorney, shall within five days after the rendition of such judgment make and present to such justice an affidavit alleging therein that such judgment was not rendered for as much by at least eight dollars as was justly and honestly due such party. Affidavit to be made.

Sec. 3. No party against whom a judgment has been rendered by a justice of the peace in any action other than those arising upon contract, express or implied shall appeal therefrom to the circuit court unless such party, his agent or attorney, shall, within five days after the rendition of such judgment make and present to such justice an affidavit alleging therein that such judgment was at least eight dollars Affidavit. more than it ought to have been rendered for under the evidence in the case, according to the knowledge and belief of the person so making such affidavit, and no party in whose favor a judgment has been rendered by a justice of the peace in any action other than those arising upon contract, express or implied, shall appeal therefrom to the circuit court, unless such party, his agent or attorney, shall within five days after the rendition of such judgment make and present to such justice an affidavit, alleging therein, that such judgment is not as much, by at least ten dollars as it ought to have been rendered for under the evidence in the case, according to the knowledge and belief of the person so making such affidavit: *Provided*, That either party conceiving himself injured and aggrieved may appeal from a judgment rendered by a justice of the peace in an action of replevin to the circuit court, by presenting such justice within five days after the Replevin. rendition of such judgment, an affidavit made by himself, his agent, or attorney, in which it is alleged that such judgment is not in accordance with the legal and just rights of such party so appealing, as the person making such affidavit, verily believes, and otherwise complying with the requisition of this act as hereinafter provided.

Sec. 4. If any party shall appeal from a judgment rendered by a

Costs may  
be recover-  
ed.

justice of the peace as hereinbefore provided, such party, his agent or attorney, shall, within five days after the rendition of such judgment enter into a recognizance with at least one responsible surety, in a sum not less than double the amount of the judgment and costs conditioned to prosecute such appeal with due diligence to judgment, in the circuit court of the proper county, and to abide the order such court may make thereon, and to pay any such judgment as such court may render against the party so appealing, together with the costs and interests thereon. And the party so appealing, his agent, or attorney, shall, at the time of entering into such recognizance, pay to such justice the costs of the suit, and one dollar for making and filing his return to the circuit court: *Provided*, That such recognizance shall, in no case be in a less sum than fifty dollars.

Justice shall  
receive re-  
ceive recog-  
nizance.

Sec. 5. No justice of the peace shall receive any recognizance on appeal as hereinbefore provided, unless the person entering into the same as surety, justifies his responsibility on oath, and answers any question touching his pecuniary circumstances, which such justice may deem proper to put: *Provided*, That such justification shall not be necessary where the opposite party, or his attorney admits the pecuniary responsibility of such surety to be sufficient, and it shall be the duty of the justice, at the time such recognizance is received to certify thereon whether the surety justified or his responsibility was admitted as aforesaid.

Proceedings

Sec. 6. Upon an appeal being made according to the foregoing provisions all further proceedings on the judgment before the justice, shall be suspended, and if in the meantime execution shall have been issued, the justice shall give the appellant a certificate that an appeal has been duly made in the case.

Officer to  
release  
goods, &c.

Sec. 7. On such certificate being presented to the officer holding the execution, such officer shall forthwith release any goods or chattels levied on, or release the body of the appellant if taken, and if such appellant has been committed to prison the jailor shall upon such certificate being served upon him, forthwith release such appellant from prison.

Return of  
justice.

Sec. 8. Within ten days after any appeal shall have been duly made, the justice shall make a return of the proceedings had in the



case before him to the circuit court of the county in which such justice shall fully state :

*First.* The title of the cause and the character in which the parties prosecuted or defended before him.

*Second.* The claim or demand of the plaintiff, and if his declaration was in writing, a correct copy thereof shall be set forth or attached to such return.

*Third.* The pleadings on the part of the defendant, including notice of set off, or any other notice given, if any, and if the same were in writing, a copy thereof set forth or attached to such return.

*Fourth.* The replication, demurrer, and all other proceedings of the parties touching the issue between them, if any, and if the same were in writing, copies thereof shall be set fourth or attached to such return. Requisites.

*Fifth.* If the trial was by jury, the names of the jurors and their verdict.

*Sixth.* The judgment rendered, and the time of rendering the same; and

*Seventh.* The time when recognizance was entered into and the affidavit presented:

Sec. 9. Within ten days after the appeal is duly made, the justice shall file in the office of the clerk of the circuit court of the county, Justice to  
file returns. his returns in writing, made as hereinbefore directed, together with all papers filed with him by either party, or in any way touching or relating to the cause, and the affidavit and recognizance delivered to him by the appellant.

Sec. 10. Upon the return of the justice being made and filed with the clerk, as hereinbefore provided, the circuit court shall be possessed of the cause, and shall have full authority to inspect and examine into all the proceedings of the justice, from whose decision such appeal was taken, and particularly respecting the issuing of any process, or the affidavit upon which any process issued, the granting or denying any motion to set aside any process, or the service thereof, or the granting or denying any other motion, the overruling or sustaining any demurrer, plea in abatement, or other pleading on either side, the allowance or rejection of any claim or defence, the granting or denying any application of either party for leave to plead, or to C. Court—  
jurisdiction  
and powers.

amend any pleadings of either party, and respecting all other matters and proceedings upon which, heretofore a writ of certiorari might have been brought to remove the same to the circuit court, for the correction thereof, and upon such inspection and examination, the said circuit court shall give such judgment, or make such order in the premises as law and justice and the rights of the parties may require:

*Provide.*

*Provided*, That in order to entitle the appellant to the benefit of the provisions contained in this section, he shall take his appeal as hereinbefore provided, and shall also set forth in his affidavit, in addition to the ordinary matter as hereinbefore prescribed, specially the grounds of his objection to, or complaint of the proceedings before, and the decisions by the justice in the cause, to which such justice shall make special return, as to all such special matters, stated and set forth in such affidavit, in addition to the ordinary particulars which he is required to return, as hereinbefore designated.

*Fail to make return.*

Sec. 11. If the justice shall fail to make a return as hereinbefore provided, either party, upon filing an affidavit with the clerk of the circuit court, and stating therein that an appeal has been duly made, in the cause, and that, the justice neglects or refuses to make and file his return, may enter a rule in the common rule book kept by such clerk, either in term or vacation, that such justice be required to make and file such return immediately, after due service of notice of such rule, or show cause to such circuit court why an attachment should not be issued against him: *Provided*, That in case such rule be entered in vacation, it shall be for such justice to make returns as aforesaid, or show cause as aforesaid, on the first day of the next term of the said court, and if such rule be entered in term, it shall be for such justice to make return as aforesaid, or show cause as aforesaid forthwith.

*Provide.*

*Attachment to issue against justice.*

Sec. 12. The circuit court, upon evidence being given that an appeal has been duly made, may, by rule and attachment, compel a return by the justice of his proceedings, and of all papers required to be returned by him, as hereinbefore provided, during the same term, or at a subsequent term of the court; and upon satisfactory evidence that a return of a justice, when made, is substantially erroneous or defective, the court may in like manner, compel him to amend or correct the same. And the court may punish the justice for any such

disobedience of its orders, by imprisonment until he submit, and may adjudge that he pay the costs of any such proceedings against him and any necessary order in such case shall be enforced as other orders of the court; and upon the return of the justice being filed and perfected, the court shall require the parties to proceed in the cause with all due diligence, but they shall not be compelled to proceed at any term, unless such return shall have been filed with the clerk at least ten days before the first day of such term.

Sec. 13. If the return of the justice be filed, either party, by serving a notice of trial for the next term of the court, eight days before the first day of such term, may have the cause placed upon the calender for trial, the same as in other causes. Notice of trial.

Sec. 14. No motion to dismiss an appeal shall be entertained by the court after the first term, at which the same might have been made, unless some reasonable and satisfactory excuse for not having made such motion at such first term, can be shown to the court, and no appeal shall be dismissed on the ground of any informality or other imperfections in the recognizance entered into by, or in behalf of the appellants, if the persons entering into the same consent to have the necessary amendments made therein, or if another sufficient recognizance, to be approved by the court, shall be duly filed. And in such case the court shall amend or receive such recognizance accordingly. Appeal, not dismissed.

Sec. 15. If an appeal be dismissed for any cause, the court shall award costs to the appellee, and may enforce the payment thereof, by rendering a judgment against the appellant and his sureties for the same, and execution may issue thereon, as in other cases, and judgment for such costs shall, on motion of the appellee, be entered, as well against the surety in the recognizance, as against the appellant, and if the appeal be dismissed in consequence of the informality or insufficiency of the recognizance, then and in such case, the court may enforce the payment of such costs, by rule and attachment against the appellant. Costs.

Sec. 16. If the appeal be not dismissed, the court shall proceed to the hearing of the cause, and if the issue joined before the justice was an issue of law, the court shall examine and render judgment thereon, according to the law of the case. And if such judgment be Final hearing.

against any pleading of either party, an amendment of such pleading may be allowed on such terms as the court may be deem just and equitable; and the court may also require the opposite party to answer such amended pleading, or to join issue thereon, as the case may require, summarily or otherwise. And if upon an appeal on an issue of law, the court should adjudge any pleading complained of to be sufficient, such court may, in like manner require the opposite party, summarily or otherwise, to answer such pleading, or to join issue thereon.

Issues of  
fact tried by  
jury.

Sec. 17. If the issue joined before the justice was an issue of fact, the court shall proceed to have the same tried by jury, or referred to referees in the same manner as if such issue had been joined in a suit originally commenced in such circuit court, and such court shall have the same power over the verdict of the jury or the report of the referees, and shall render judgment thereon in the same manner as in other suits in such court.

Costs shall  
be awarded.

Sec. 18. Costs in judgments rendered on appeals in circuit courts shall be awarded as follows :

*First.* If the party against whom judgment was rendered in the court below on contract [express or implied,] appeal therefrom, and such judgment shall not be reduced in the circuit court, five dollars or more, full costs shall be awarded against the appellant, if such judgment shall be reduced in the circuit court five dollars or more, then full costs shall be awarded against the appellee.

*Second.* If the party in whose favor judgment was rendered in the court below, on contract, express or implied, appeal therefrom, and such judgment shall not be increased in the circuit court eight dollars or more, full costs shall be awarded against the appellant; if such judgment shall be increased in the circuit court eight dollars or more, then full costs may be awarded against the appellee, or otherwise as such circuit court may deem right and just.

*Third.* If the party against whom judgment was rendered in the court below on any claim other than contract, express or implied, appeal therefrom, and such judgment shall not be reduced in the circuit court, eight dollars or more, full costs shall be awarded against the appellant; if such judgment shall be reduced in the circuit court eight dollars or more, then full costs shall be awarded against the appellee.

*Fourth.* If the party in whose favor judgment was rendered in the court below on any claim other than contract, express or implied, appeal therefrom, and such judgment shall not be increased in the circuit court ten dollars or more, full costs shall be awarded against the appellant; if such judgment shall be increased in the circuit court ten dollars or more, then full costs may be awarded against the appellee, or otherwise, as such circuit court may deem right and just.

*Fifth.* In judgments rendered on appeals in actions of replevin, and all other causes not provided for in this section costs may be awarded as the circuit court may deem to be just and right between the parties in view of the particular circumstances attending each case.

Sec. 19. Whenever costs are awarded to the appellant, he shall be Taxation. allowed to tax as part thereof the amount of costs and fees paid to the justice as disbursements in addition to the costs in the circuit court, and where the judgment in the court below was against such appellant, he shall further be allowed to tax any legal costs incurred by him which he would have been entitled to recover in case such judgment in the court below had been rendered in his favor.

Sec. 20. If upon appeal a recovery be had by one party for any Costs may be offset. debt or damages, and costs to be awarded to the other party, the court shall set off such costs against such debt or damages, and render judgment for the party in whose favor a balance may appear.

Sec. 21. In all cases where judgment shall be rendered against the appellant in the circuit court, the same shall; on motion of the appellee or his attorney, be entered as well against the surety on the appeal as against the appellant, and execution shall issue against them jointly. Judgment.

Sec. 22. Upon a judgment being rendered on appeal in the circuit court, the party recovering the same shall be entitled to execution thereon in like manner as if such judgment had been rendered on a suit originally commenced in that court. Execution.

Sec. 23. Upon an appeal being dismissed by the circuit court, and a certified copy of the order of such dismissal being served upon the justice who rendered the judgment below, such justice shall issue execution thereon in the same manner as if no appeal had been made. Justice may issue execution.

Sec. 24. No judgment rendered by any justice of the peace in this state in any civil suit or proceeding, shall be removed by writ of Writ of error abolished. certiorari.

tiorari to any circuit court for review, from and after the time when this act shall take effect.

Repealing  
clause.

Sec. 25. All of that part of the act entitled "An act to prescribe the powers and duties of justices of the peace in civil proceedings," approved April nine, eighteen hundred and forty-one, relating to the removal of judgments, rendered by justices of the peace into the circuit courts by appeal or writ of certiorari or any other acts or parts of acts heretofore passed, contravening, or in any way contradicting or conflicting with the provisions of this act, be, and the same are hereby repealed.

Co-defen-  
dants.

Sec. 26. That any constable having an execution in his hands for collection, issued upon any judgment rendered on contract, express or implied, against two or more persons shall, on being served with an affidavit, by any co-defendant in such execution, showing the principal debtor therein, first exhaust all the personal estate of said principal debtor, which may be turned out to him on said execution by such co-defendant, before resorting to the property of any other defendant being security.

Sec. 27. This act shall take effect and be in force from and after the first day of May next.

Approved March 24, 1845.

## No. 72.

### AN ACT to provide against trespasses upon the towing path of canals.

Penalty for  
travelling on  
tow path.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That every person who shall lead, drive or ride any horse, ox or ass, mule or other animal upon the towing path or the bank opposite the towing path of any canal, authorized by the laws of this state, except for the purpose of towing boats or other floating things upon the waters thereof, and except for the purpose of conveying articles to and from said canals in order to their transportation on the waters of the same, or their delivery at their place of destination, shall forfeit for every such offence the sum of five dollars, and pay all damages consequent upon such offence over and above the said forfeiture.

**Sec. 2.** For all forfeitures incurred under the provisions of the preceding section, an action of debt may be brought before any justice of the peace in the name of the people of the State of Michigan, and any sums recovered for such offence shall be paid into the State Treasury, to the credit of the internal improvement fund; and any sums also recovered for consequential damages by an action on the case therefor, shall be paid to the person or persons sustaining the same.

Approved March 24, 1845.

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No. 73.

**AN ACT to re-locate a certain State Road.**

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Spaulding M. Case, Edward Bishop, and Justus J. Bennet, junior, be and they are hereby authorized to re-locate, as the public good may require, so much of the state road from Ann Arbor, in Washtenaw county, to Howell, in Livingston county, as may run through the township of Hamburg, and they shall file the survey of the same in the office of the township clerk in said township of Hamburg.

**Sec. 2.** The state shall not be liable for any expenses incurred, or damages sustained by reason of this act, and in case the said road shall not be surveyed and relocated in two years from the passage of this act, the provisions herein contained shall be void.

Approved March 24, 1845.

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No. 74.

**AN ACT to amend an act entitled "an act to repeal the charters of certain banks, and for other purposes," approved February 16, 1842.**

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section three of the act entitled "an act to repeal the charters of certain banks, and for other purposes," approved February 16, 1842, be and the same is hereby

amended by inserting in the first line thereof, after the word "creditor," the words "or stockholders."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 24, 1845.

## No. 75.

### AN ACT to incorporate the Ypsilanti Seminary.

**Incorporated.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Lyman H. Moore and William Moore, of the county of Washtenaw, and their successors in office, be and they are hereby constituted and declared a body corporate and politic in fact and in name, to be styled the proprietors of the Ypsilanti Seminary, by that name they and their successors in office shall, and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts whatever.

**Seal.** Sec. 2. That they and their successors in office may have a common seal and change the same at their pleasure. That they and their successors in office, by the name of the proprietors of the Ypsilanti Seminary, shall be capable in law of acquiring and holding by purchase, gift, grant, devise, bequest or otherwise, and of selling, conveying or leasing any estate, real, personal or mixed, for the purposes hereinafter mentioned, and none other, and that they and their successors in office shall have full power to make and enter into contracts, to make such rules and by-laws as they may deem necessary for the good government and success of said seminary: *Provided*, Such by-laws are not inconsistent with the constitution and laws of the United States and of this state: *And provided further*, That the amount of property held by such corporation shall never exceed the sum of ten thousand dollars.

**May sell and buy estate.** Sec. 3. Said proprietors shall have power to establish and continue in the township of Ypsilanti a seminary of learning, for the instruction of persons in the various branches of literature, or to con-

**Seminary.]**



tinue the institution now established and known as the Ypsilanti Seminary.

Sec. 4. The individual as well as corporate property of said proprietors and their successors in office shall be liable for all debts <sup>Liability of stockholders</sup> against the said corporation, and may be proceeded against jointly or severally as in the case of debts against the individuals.

Sec. 5. The legislature may at any time amend or repeal this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 24, 1845.

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No. 76.

AN ACT to incorporate the Ann Arbor Female Seminary.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That from and after the passage of this act, James Kingsley, Thomas Mosley, Fitch Hill, Edwin Lawrence, Luther Boyden, Thomas Wood, and Samuel W. Dexter, of the county of Washtenaw, and their successors be and they are hereby constituted, ordained, and declared a body corporate and politic, under the name and style of "The Ann Arbor Female Seminary," that by that name they and their successors shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended in all courts of record whatever, and in all manner of suits, actions, complaints, matters and causes whatever, and that they and their successors may have a common seal, and change and alter the same at their pleasure, and that they and their successors by the name of "The Ann Arbor Female Seminary," shall be in law capable of acquiring and holding by purchase, gift, grant, devise, bequest or otherwise, and of selling, conveying, <sup>Incorporated.</sup> or leasing any estate, real, personal or mixed, for the use of said corporation, not exceeding ten thousand dollars, and that they and their successors shall have full power to make and enter into contracts, to make such rules and by-laws as they may deem necessary for the <sup>Sell and buy estate.</sup>

good government and prosperity of said institution : *Provided*, such bye-laws are not inconsistent with the constitution and laws of the United States or of this state.

Power of.

Sec. 2. Said corporation shall have power to establish in or near the village of Ann Arbor, in said county of Washtenaw, an institution for the education of females.

Trustees.

Sec. 3. Of the said seminary there shall be seven trustees, and the above named persons shall be such trustees, and shall have and exercise the power and franchise herein granted until others be appointed in their place ; that they and their successors shall have power to fill all vacancies in their own body which may happen by death, resignation, or otherwise, to appoint a president, secretary and treasurer of their own body, and to prescribe such studies and regulations in said institution as to them shall seem best.

Time to hold meetings.

Sec. 4. Said trustees, or a majority of them shall hold their first meeting in the said village of Ann Arbor, on the first Monday of May next, and the president and secretary of said board of trustees may at any time call a meeting of said board, by giving six days notice of the same to the said trustees, and that a majority of said trustees shall constitute a quorum for the transaction of business.

Trustees to apply funds

Sec. 5. Said trustees shall faithfully apply all funds in money, or otherwise, by them collected or acquired, according to their best judgment in the erection of suitable buildings, in the support of necessary officers and teachers, and in procuring a suitable library and other articles necessary to insure the success of said institution.

Process.

Sec. 6. All process against said corporation shall be by summons, and the service of the same shall be by leaving an attested copy with the president of said board of trustees, or in his absence, at his last place of abode, at least, six days previous to the return day thereof.

Sec. 7. This act is hereby declared a public act, and copies thereof printed by the authority of the state, shall be received as evidence thereof in all the courts of this state.

Sec. 8. The legislature may amend or repeal this act at any time by a vote of two-thirds of each branch thereof.

Liability of Trustees.

Sec. 9. The trustees of said seminary shall be jointly and severally liable for all judgments obtained against the corporation : *Provided*, that no execution shall issue against the individual property of

said trustees until the property of the corporation shall first have been exhausted : *And provided further*, That any trustee resigning, shall not thereby be released from any liability accrued during the period while he was such trustee until a responsible successor shall be appointed and enter upon the discharge of his duties.

Sec. 4 This act shall take effect and be in force from and after its passage.

Approved March 24, 1845.

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No. 77.

**AN ACT** to amend an act entitled "An act to provide for the laying out of a certain State Road, and for other purposes," approved March 9, 1844.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section six of an act entitled "an Amendment act to provide for the laying out of a certain state road, and for other purposes," approved March 9, 1844, be and the same is hereby amended by striking out the word "Tidly" in the first line of said section and inserting therein the word "Findley," so that said section will read as follows :

"Sec. 6. That Gabriel R. Findley, Cyrus Robertson and Edward Higby, are hereby appointed commissioners, with full authority to straighten and establish the state road leading from the village of Jackson, in the county of Jackson, to White Pigeon, in the county of St. Joseph, across section thirty-four in the township of Albion, in the county of Calhoun."

Approved March 24, 1845.

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No. 78.

**AN ACT** for the relief of the heirs of Timothy Crittenden.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Judge of Probate of the county of Washtenaw be, and he hereby is authorized to entertain

good government and prosperity of said institution : *Provided*, such bye-laws are not inconsistent with the constitution and laws of the United States or of this state.

**Power of.**

Sec. 2. Said corporation shall have power to establish in or near the village of Ann Arbor, in said county of Washtenaw, an institution for the education of females.

**Trustees.**

Sec. 2. Of the said seminary there shall be seven trustees, and the above named persons shall be such trustees, and shall have and exercise the power and franchise herein granted until others be appointed in their place ; that they and their successors shall have power to fill all vacancies in their own body which may happen by death, resignation, or otherwise, to appoint a president, secretary and treasurer of their own body, and to prescribe such studies and regulations in said institution as to them shall seem best.

**Time to hold meetings.**

Sec. 4. Said trustees, or a majority of them shall hold their first meeting in the said village of Ann Arbor, on the first Monday of May next, and the president and secretary of said board of trustees may at any time call a meeting of said board, by giving six days notice of the same to the said trustees, and that a majority of said trustees shall constitute a quorum for the transaction of business.

**Trustees to apply funds**

Sec. 5. Said trustees shall faithfully apply all funds in money, or otherwise, by them collected or acquired, according to their best judgment in the erection of suitable buildings, in the support of necessary officers and teachers, and in procuring a suitable library and other articles necessary to insure the success of said institution.

**Process.**

Sec. 6. All process against said corporation shall be by summons, and the service of the same shall be by leaving an attested copy with the president of said board of trustees, or in his absence, at his last place of abode, at least, six days previous to the return day thereof.

Sec. 7. This act is hereby declared a public act, and copies thereof printed by the authority of the state, shall be received as evidence thereof in all the courts of this state.

Sec. 8. The legislature may amend or repeal this act at any time by a vote of two-thirds of each branch thereof.

**Liability of Trustees.**

Sec. 9. The trustees of said seminary shall be jointly and severally liable for all judgments obtained against the corporation : *Provided*, that no execution shall issue against the individual property of

said trustees until the property of the corporation shall first have been exhausted : *And provided further*, That any trustee resigning, shall not thereby be released from any liability accrued during the period while he was such trustee until a responsible successor shall be appointed and enter upon the discharge of his duties.

Sec. 4 This act shall take effect and be in force from and after its passage.

Approved March 24, 1845.

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No. 77.

**AN ACT** to amend an act entitled "An act to provide for the laying out of a certain State Road, and for other purposes," approved March 9, 1844.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section six of an act entitled "*an Amendment* act to provide for the laying out of a certain state road, and for other purposes," approved March 9, 1844, be and the same is hereby amended by striking out the word "Tidly" in the first line of said section and inserting therein the word "Findley," so that said section will read as follows :

"Sec. 6. That Gabriel R. Findley, Cyrus Robertson and Edward Higby, are hereby appointed commissioners, with full authority to straighten and establish the state road leading from the village of Jackson, in the county of Jackson, to White Pigeon, in the county of St. Joseph, across section thirty-four in the township of Albion, in the county of Calhoun."

Approved March 24, 1845.

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No. 78.

**AN ACT** for the relief of the heirs of Timothy Crittenden.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Judge of Probate of the county of Washtenaw be, and he hereby is authorized to entertain

Timothy  
Crittenden.

any petition by the heirs at law of Timothy Crittenden, deceased, late of Saline, in said county, relative to the last will and testament of said Timothy Crittenden, and to grant administration thereon with the same force and effect as if ten years had not elapsed since the death of the testator: *Provided*, That in all other respects the said Judge of Probate shall govern his action upon, and proceedings under said will by the existing laws in relation to probate courts.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 24, 1845.

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### No. 79.

AN ACT to authorize Orange J. Niles and George Niles to build a Storehouse on the margin of the Clinton and Kalamazoo Canal.

O. J. & G.  
Niles.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Orange J. Niles and George Niles, of the county of Oakland, be and they are hereby authorized to build on the margin of said canal, in the village of Rochester, and on land belonging to this state, a storehouse, in which to store articles to be transported on said canal: *Provided*, Said storehouse shall be so situated as to leave sufficient space between said storehouse and the canal, for the construction of a convenient tow path for the use of said canal.

Approved, March 24, 1845.

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### No. 80.

AN ACT to amend the second clause of section three, chapter one, title five, part three of the Revised Statutes, relative to costs.

Amendment

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the second clause of section three, chapter one, title five, part three, of the Revised Statutes, be amended by adding to the said clause the following words: *Provi*

ded, That in all actions for libel, for slander, or for malicious prosecution, if the jury on the trial of the issue or in any inquiry of damages shall assess the damages under ten dollars, the plaintiff shall recover no more cost than damages: *Provided further*, This act shall not be construed to affect in any wise, any suit or suits that may be now pending in any court or courts of law.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved, March 24, 1845.

No. 81.

**AN ACT** to amend an act entitled "An act to provide for the publication of the decisions of the Supreme Court and Court of Chancery," approved February 29, 1844.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section five of the act entitled "An act to provide for the publication of the decisions of the Supreme Court and Court of Chancery, approved February 29, 1844, be, and the same is hereby amended, by striking out the word "one" in the first line thereof, and inserting in lieu thereof the word "two," so that the first paragraph of said section, as amended, shall read:—  
"Of the said reports, two hundred copies shall be deposited by the reporter in the office of the Secretary of State, to be distributed as follows:"

Sec. 2. That for the purpose of establishing a suitable equity library, to be the property of the state, for the use of the Chancellor and his successors in office; the Secretary of State may exchange any equity reports to be deposited in his office, in pursuance of the act hereby amended, for other books of reports, or any elementary work on equity law, to be designated by the Chancellor: *Provided*, That the distribution directed in section five of the act hereby amended, shall be first made from the copies deposited with the Secretary of State.

Approved March 24, 1845.

## No. 82.

**AN ACT to change the name of Wilson Hamilton Coffin.**W. Hamilton.  
son.

*Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That from and after the passage of this act it shall, and may be lawful for Wilson Hamilton Coffin, to take and assume the name of Wilson Hamilton, and by that name he shall hereafter be known and designated: Provided, No suit or other proceeding shall abate or be in any wise effected by such change, except that such change shall be suggested and entered of record, in any legal proceeding now pending.*

Approved March 24, 1845.

## No. 83.

**AN ACT to authorize the Township Board of the town of Newark, county of Allegan, to build a Free Bridge across Kalamazoo River, at or near its mouth.**

Free bridge.

*SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That the township board of the town of Newark, Allegan county, be and they are hereby authorized to build a free bridge across Kalamazoo river, at or near the mouth of said river.*

Highway  
taxes.

*Sec. 2. That one half of all the highway taxes assessed, (resident and non-resident) in the town aforesaid, may be set apart and applied to the building said bridge, with the wishes and consent of the majority of the legal voters in said township, expressed by vote in town meeting assembled, under and by the direction of the township board, for the years one thousand eight hundred and forty-five, one thousand eight hundred forty-six, one thousand eight hundred and forty-seven, and one thousand eight hundred and forty-eight, and the term of four years is allowed to erect and complete the bridge aforesaid, which shall be so constructed as not to obstruct the navigation of said river.*

Location of  
bridge.

*Sec. 3. That the township board of the township aforesaid, are hereby authorized and empowered to locate said bridge at that point on the river, where it will best subserve the interests of the town, and*



of the public, and best connect the road from the Kalamazoo river, running south on the lake shore, with that running on or near the line of the river, and the said township board are further authorized to take such time within the limit mentioned in section second, as in their opinion will best subserve the public interest for erecting said bridge, and also, as to contracts for labor and compensation of workmen.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 24, 1845.

### No. 84.

#### AN ACT for the relief of Mark Cannon.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the board of state auditors are hereby authorized and required to enquire into and investigate the facts and circumstances that may be submitted to them relative to the injury sustained by Mark Cannon upon the Southern Railroad, in the year one thousand eight hundred and forty-four, and if said board shall conclude that such injury resulted from the carelessness of inadvertence of any or either of the state agents, employed upon said road, they shall award to said Mark Cannon such compensation as in their opinion justice and equity require.

Sec. 2. That the Auditor General is hereby authorized and required to draw a warrant in favor of Mark Cannon, for the sum so awarded, and that sum is hereby appropriated out of the general fund.

Sec. 3. This act shall take effect from and after its passage.

Approved March 24, 1845.

### No. 85.

#### AN ACT to amend an act entitled "an act to incorporate the Cottonwood Swamp Turnpike Company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That an act entitled "an act to in-

corporate the Cottonwood Swamp Turnpike Company," approved March ninth, eighteen hundred and forty-four, be amended by striking out the word "five" in the second line of section five, and inserting "two and a half" in place thereof, also by striking out the words "one" and "two" in the second line of the proviso to said section five and inserting 'two' in the place of 'one' and 'four' in the place of 'two' in said proviso.

**Amendment:** Sec. 2. That section six be amended by striking out the word 'said' in the fifth line of said section, and inserting "each" in place thereof, also by striking out all that occurs in said section between the words "to wit" in the sixth line, and the word "for" in the fourteenth line, and inserting the following in place thereof, "for every score of hogs or sheep, six and one fourth cents; for every wagon drawn by two horses, mules, or oxen, twelve and a half cents; for every additional horse, mule or ox, four cents; for every coach, pleasure wagon or pleasure carriage, drawn by two horses, eighteen and three fourth cents; for every additional horse, six and a fourth cents; for every cart drawn by two oxen, nine cents; for every additional yoke or single horse, six and a fourth cents; for every horse, mule or ass, rode, led or driven, six and a fourth cents; for every cart drawn by one horse mule or ox, eight cents; for every pleasure wagon, gig, chair or sulkey, drawn by one horse or mule, twelve and a half cents; for each head of neat cattle driven, one and a half cents.

Sec. 3. That section fifteen be amended by striking out the word "three" in the second line of said section, and inserting the word 'five' in place thereof.

Approved March 24, 1845.

## No. 86.

### AN ACT for the relief of John Silk.

**John Silk.** Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the Auditor General is hereby authorized to draw a warrant in favor of John Silk, for the sum of two hundred dollars, and that sum is hereby appropriated out of the internal improvement fund; and warrants shall be drawn by the Auditor

General, not bearing interest therefor, which shall be in full for all claims of said John Silk against the state.

Sec. 2. This act shall take effect from and after its passage.

Approved March 24, 1845.

No. 87.

AN ACT to amend an act entitled "an act to amend an act providing for the final adjustment of all unsettled claims for damages growing out of the internal improvements of the state," approved February 20th, 1844.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Michigan*, That section two (sec. 2,) of said act be amended by striking the word "one" out of the fifth line in said section, and inserting the word "two" in place thereof, so that said section when amended will read as follows : Amendment

Sec. 2. Every person who did not present his claim to, or whose claim was not adjusted by the board of State Auditors, before the first day of October, eighteen hundred and forty-three, as required by the act to which this act is amendatory, may present the same to the board of State Auditors for final adjustment at any time within two years from and after the passage of this act." Limitation.

Approved March 24, 1845.

No 88.

AN ACT to provide for the laying out of certain State Roads.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Festus A. Holbrook, John Wittenmeyer and John Cronkhite, be and they are hereby authorized, as commissioners to lay out and establish a state road, commencing at the village of St. Joseph, in the county of Berrien, thence to be located as near the bank of lake Michigan as practicable, to the village of New Buffalo, in said county. State Roads

**Commissioners.** Sec. 2. William Hammond, Samuel Stratton and John Wittenmeyer, be and they are hereby authorized and appointed, as commissioners, to lay out and establish a state road, commencing at the village of New Buffalo, in the county of Berrien, thence on the most eligible route by the way of New Troy in said county, to the village of St. Joseph, in said county.

**To file surveys.** Sec. 3. The above named commissioners shall file the surveys of the above mentioned roads in the office of the township clerk of each township through which each of the above mentioned roads shall pass, as shall be laid out in such township.

Sec. 4. That the state shall not be chargeable for laying out and establishing said roads, nor for any expenses whatever connected therewith.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 24, 1845.

### No. 89.

#### AN ACT to authorize the State Officers to act as trustees of the Michigan State Bank, and for other purposes.

**State officers Trustees &c** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Robert P. Eldredge, Secretary of State, Charles G. Hammond, Auditor General, John J. Adams, State Treasurer, and their successors in office be and they hereby are authorized and empowered to act as trustees of the Michigan State Bank, under the appointment and direction of the Supreme Court of the State aforesaid, in the receipt and disposal of certain assets transferred to said State by said bank, in the year one thousand eight hundred and forty-one, "amounting nominally to six hundred and thirty-three thousand, five hundred and sixty-seven dollars and ninety-eight cents:" *Provided,* That in the judgment of the State officers aforesaid, the acceptance of said trust will subserve the interest of the State of Michigan.

**Appropriation.** Sec. 2. That there be and is hereby appropriated the sum of ten thousand seven hundred and forty-three dollars and ninety-nine cents,

(~~\$10,743 99,~~) and lawful interest thereon from the first day of March one thousand eight hundred and forty-five, out of the general fund, in payment of a judgment obtained by said bank against the State aforesaid.

Sec. 3. The State Treasurer is hereby authorized and directed out of the appropriation aforesaid, to pay to said bank, its agents or attorneys, on the warrant of the Auditor General, the said sum of ten thousand seven hundred and forty-three dollars and ninety-nine cents, (~~\$10,743 99,~~) with interest on the same or such portion thereof as may remain due, in four equal annual payments, commencing at such time as shall be mutually agreed on by the said state officers, and the bank, its agents or attorneys aforesaid respectively. S. Treasurer  
or.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved, March 24, 1845.

## No. 90.

### AN ACT to provide for the sale of the Salt Spring Lands belonging to the state.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That whenever the Governor shall have notice of the passage of an act by the Congress of the United States, authorizing the state to sell the lands heretofore selected for the state as salt spring lands, either by official publication of such act as directed by law or by a certified copy of such act from the office of the Secretary of State of the United States, it shall be his duty to notify the Commissioner of the State Land Office thereof, who shall thereupon proceed to advertise and sell the said lands as hereinafter directed. Sale of salt  
spring lands.

Sec. 2. The Commissioner, upon being notified by the Governor, as provided for in the preceding section, shall thereupon prepare and cause to be published in one newspaper in each representative district having a newspaper published therein, for four weeks, that on a day subsequent to such publication, and to be therein designated, he will offer at public sale, at the State Land Office, in Marshall, the state salt spring lands, lying west of the principal meridian, and on another and subsequent day, at the office of the Auditor General and Com'r to  
give notice.

State Treasurer, in the city of Detroit, the state salt spring lands lying east of said principal meridian, upon the terms and conditions hereinafter mentioned: *Provided*, That such salt spring lands as have been improved by the state, by boring thereon for salt springs, and such other state salt spring lands as in the opinion of the Governor, State Geologist and Commissioner, or a majority of them, should not be brought into market at the first sale, shall be reserved and not offered at the aforesaid public sales.

**Price.**

Sec. 3. The minimum price of unimproved state salt spring lands shall be five dollars per acre, and the value of improvements on any state salt spring lands, made by former leasees or otherwise, shall be appraised by the Commissioner and State Geologist, and the Supervisor, for the time being, of the township wherein such improved salt spring lands are situated, or a majority of the same, and being added to the minimum price of the improved lands, shall constitute the minimum price of the several parcels or tracts of improved salt spring lands.

**Sale.**

Sec. 4. The salt spring lands shall be offered for sale according to the United States' surveys, and sub-divisions in parcels of eighty acres each, as near as may be: *Provided*, That whenever, in the opinion of the Commissioner, any of said lands, from contiguity to a village or otherwise, ought to be sub-divided into village lots, or other similar parcels than eighty acres, he may cause the same to be sub-divided by a competent surveyor, and a plat thereof filed in the register's office, of the proper county, and also in the State Land Office, and offer the same for sale, according to such plat and sub-division, in which case the minimum price of the respective lots or sub-divisions shall be appraised and determined by the Commissioner, State Geologist and Supervisor of the township where the lands lie, or a majority of them, and shall be the minimum price at which the same shall be offered for sale.

**Private sale.**

Sec. 5. All lands offered at either of the public sales above mentioned, and not then sold, shall be subject to entry at private sale, at the State Land Office, at any time thereafter at their minimum prices respectively.

**Conditions.**

Sec. 6. The terms and condition of sale of the state salt spring lands shall be the same as are provided by law, in regard to state building lands, in the thirty-first section of the act entitled "An act to

establish a land office, to prescribe and regulate the disposition of the public lands, and for other purposes," approved March 11, 1844, and all sum received on account of the sale of said lands when paid into the state treasury, shall be passed to the credit of the "salt spring lands."

Sec. 7. In payment of principal and interest due from purchasers of salt spring lands, there shall be receivable all warrants drawn by the Auditor General on any of the funds of this state, and all outstanding treasury notes, or funds receivable by law, for other state lands, until there shall have been received on account of said salt spring lands an amount equal to the appropriations heretofore made and expended in the improvement of state salt springs, including interest on the same; a statement of which appropriations and expenditures shall be made by the Auditor General to the Commissioner of the Land Office, showing the dates and amounts of the warrants issued under the aforesaid appropriations, from which date interest shall be computed on the respective warrants so drawn. After the receipt of an amount in warrants or other funds, equal to the principal and interest on the amount appropriated and expended as above mentioned, treasury notes and specie, or its equivalent, shall alone be receivable in payment for principal or interest due on purchases of state salt spring lands.

Principal & interest, how paid.

Approved, March 24, 1845.

## No. 91.

**AN ACT for the relief of school district number six, in the township of Manchester, county of Washtenaw.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the inhabitants of school district number six in the township of Manchester, county of Washtenaw, and State of Michigan, be and they hereby are released and forever set free from a tax voted by said district in one thousand eight hundred and forty-four, for the purpose of erecting a school house in said district.

Relief of school district.

Sec. 2. That the treasurer of said township be and he hereby is authorized to return his warrant for the collection of said tax to the supervisor of said township of Manchester; and he is hereby declared

Treasurer of township

red to be absolved from all liability on his bonds, incurred by virtue of the first section of this act.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 24, 1845.

## No. 92.

### AN ACT to amend part first, title four, chapter one, of the revised statutes.

**Amendment** Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section eleven of part first, title four, chapter one, of the revised statutes, be amended by adding the following: "*Provided*, That whenever it shall become impossible from any cause whatever, to hold a special or general township meeting in any township in this state, at the place or house designated for holding the same, then the township board of any such township may adjourn the meeting to some other suitable place for holding the same.

Approved March 24, 1845.

## No. 93.

### AN ACT to provide for laying out a certain state road.

**State Road.** SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Hervey T. Lee, and Alonzo Slayton, of the county of Livingston, and Elisha Holmes of the county of Genesee, be and they are hereby authorized commissioners to lay out and establish a state road commencing at the village of Brighton in Livingston county, to the village of Fentonville, in the county of Genesee.

**Com'rs.** Sec. 2: The commissioners appointed by the first section of this act shall file the survey of the above road in the office of the township clerk of each township through which the said road shall pass, as shall be laid out in such township.

Sec. 3. The non-resident highway taxes of each section through



which the said road shall pass, shall be applied by the highway commissioners of the proper township, upon and for the improvement of the above road, for the years one thousand eight hundred and forty-five, and one thousand eight hundred and forty-six. Non-resident taxes.

Sec. 18. This act shall take effect from and after its passage.

Approved March 24, 1845.

### No. 94.

**AN ACT** to amend an act entitled "an act to prescribe the powers and duties of justices of the peace in civil proceedings, and for other purposes."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That act No. 49, entitled "an act to prescribe the powers and duties of justices of the peace in civil proceedings," approved April 9, 1841, be, and the same is hereby Amendment amended by adding new sections, to stand as sections twelve, (12) thirteen, (13) and fourteen, (14) of said act, in the words following, to wit:

Sec. 12. If the plaintiff, or other credible person, shall make and file with said justice an affidavit stating therein that the deponent has good reason to believe that any person (naming him,) has property, Sec. as amended. (describing it,) in his possession belonging to the defendant, or that he is indebted to the defendant, the justice shall include such person in the summons aforesaid, or shall issue a new summons for said person, at the option of the plaintiff, requiring him to appear before said justice at the time and place mentioned in the summons, against the defendant, and answer under oath, all questions put to him touching the property, money and credits of the defendant in his possession, and within his knowledge. And the said person so summoned, from the time of the service of such summons, shall stand liable to the plaintiff to the amount of the property, money and credits in his hands or due from him to the defendant."

"Sec. 13. If such person (so summoned) shall neglect or refuse to appear in court, as required, the same proceedings shall thereupon be had, as near as may be, as are now or may hereafter be required in relation to garnishees."

Sec. 14. The service of the summons contemplated in section twelve of this act, and the return thereon, shall conform in all respects to the requirements of law relative to the service and return of summonses against defendants."

Sec 11 amended.

Sec. 2. Section eleven (11) of the act above recited, shall be, and the same is hereby amended by striking out in said section the word "four," and inserting in lieu thereof the word "twelve;" also in line four of said section, between the words "may" and "take," insert the following: "within ten days after the service of the first summons."

Sec 3 amended.

Sec. 3. That section three of an act entitled "an act to prescribe the powers and duties of justices of the peace in civil proceedings," approved April 9, 1841, shall be and the same is hereby amended by inserting after the word "township," in the third clause of said section, the words "or city," so that said section shall read as follows:

Sec. as amended.

Sec. 3. Every such action shall be brought before some justice of the peace, of the township or city where. First, the plaintiff or any of them reside: Second, where the defendants or any of them reside: or Third, before some justice of another township or city, in the same county next adjoining the residence of the plaintiff or defendant, or one of the plaintiffs or defendants.

Amendment

Sec. 4. The several sections of the act above recited, shall be so amended as to correspond with the numeration effected by the introduction of new sections twelve, thirteen, and fourteen—(12, 13, and 14.)

Approved March 24, 1845.

## No. 95.

**AN ACT to authorize Fabius Miles to construct a dam across the Paw Paw River, in the county of Van Buren.**

Dam.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That Fabius Miles, his heirs and assigns be, and they are hereby authorized and empowered to construct a dam across the Paw Paw river, in the county of Van Buren, on section twelve (12) in township number three south of range sixteen west: Provided, Such dam shall not exceed four feet in height*

above common low water mark : *And provided further*, That a convenient lock shall be constructed of sufficient width and dimensions to admit the safe passage of boats, rafts, canoes, and other water craft navigating said river.

Sec. 2. Nothing herein contained shall authorize the persons above named, or their heirs or assigns, to enter upon or flow the lands of any other person, without the consent of such other person ; and the legislature may at any time alter, amend or repeal this act.

Approved March 24, 1845.

No. 96.

**AN ACT** to provide for laying out a State Road from Pontiac to Hillman's Tavern, in the township of Tyrone, county of Livingston.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Willard K. Goodrich and William Caperon, of the county of Oakland, and Jairah Hillman, of the county of Livingston, be and they are hereby appointed commissioners to lay out and establish a state road from Pontiac, in the county of Oakland, to Hillman's Tavern, in the county of Livingston. Com'rs.

Sec. 2. The commissioners appointed by the first section of this act shall lay out and establish the above road on the line of the present travelled road, leading through the townships of Waterford, White Lake, Highland, Rose and Tyrone ; and may alter such portions of the road as in their opinion the public good may require, by filing the survey of such road and alterations with the township clerk in the several townships through which the said road shall run, and he shall record the same in his office in the manner and form as other highways are recorded ; *Provided*, That no alteration shall be made in any township without the consent of a majority of the highway commissioners of such township, and the damages sustained by any individual by reason of such alteration, shall be assessed, collected, and paid over in the same manner as damages are assessed, collected and paid over under the provisions of law regulating highways. Commissioners, duty of.

Sec. 3. The commissioners of highways of the several townships through which said road runs, shall expend all the highway taxes arising from the same. Highway com'rs.

sing from non-resident lands for the distance of one mile each side of said road (from the west line of the township of Waterford to the said Hillman's tavern, in the county of Livingston) in the same manner as other non-resident taxes are now by law expended, except so much of said taxes as may be heretofore specially appropriated.

Sec. 4. The provisions of this act shall be in force for the term of two years from this date and no longer.

Sec. 5. This act shall take effect from and after its passage.

Approved, March 24, 1845.

### No. 97.

#### AN ACT to provide for the laying out and establishing a state road, and for other purposes :

**State road.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That William B. Barron, Pierce G. Wright and Oel Rix, be and they are hereby appointed commissioners to lay out and establish a state road from the village of Palmer, in the county of St. Clair, to the village of Riley, in said county, by the most direct and eligible route, and a copy of so much of the survey of said road as shall be within each township through which said road shall pass, shall be filed in the office of the township clerk, and the said township clerk shall record the same in like manner as township roads are recorded.

**Mizner road** Sec. 2. The non-resident highway taxes which may be hereafter assessed upon the lands owned by non-residents, within two miles each way from the centre of a road known as the Mizner road, leading from Gallagher's mills in the county of St. Clair, to the Fort Gratiot turnpike, in the county of Macomb, are hereby appropriated for the next succeeding four years, for the purpose of working and improving the same, and the commissioners of highways in the several towns through which said road passes, are hereby directed to expend the same upon said Mizner road.

**Non-resident taxes.** Sec. 3. That for the purpose of working and improving the said road mentioned in section one of this act, the highway tax which may be assessed upon the lands owned by non-residents within one mile each way from the centre of said road, for the next succeeding three

years, are hereby appropriated, and the highway commissioners of the townships through which said road shall pass, are hereby directed to lay out and expend the aforesaid mentioned taxes upon said road for the laying out, working and improving the same.

Sec. 4. The state shall not be liable for any expense incurred or damages sustained by reason of this act, and in case the road mentioned in the preceding sections of this act shall not be surveyed and laid out in two years from the passage of this act, the provisions herein contained shall be void.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 24, 1845.

## No. 98.

### AN ACT for the relief of the township of Marcellus.

*Whereas*, On account of alleged illegality in the organization of the township of Marcellus, in the county of Cass, being township five south of range thirteen west, the Auditor General rejected taxes of 1843, amounting for township, county, and state purposes, to one hundred and one dollars, and seventy-three cents, and for highway purposes, to the sum of sixty-one dollars and twenty-eight cents:—  
*And Whereas*, The lands on which the same was assessed, (not being assessed in the township to which they had formerly been attached,) thereby escaped taxation, and the township of Marcellus consequently left in debt to the county and state for taxes justly due from said town: *And Whereas*, It is believed the said township has perfected a legal organization since the above taxes were assessed, therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the proper authorities duly elected in the township of Marcellus, in the county of Cass, for the year 1845, are hereby authorized and required to re-assess such taxes as were rejected by the Auditor General for 1843, on account of alleged illegality in the organization of said township, to wit:—  
 One hundred and one dollars and seventy-three cents, for township, county and state purposes, and sixty-one dollars and twenty-eight

cents for highway purposes, on the same lands that the said sums were originally assessed upon ; said re-assessment to be included in the assessment roll proper of 1845 : *Provided*, That no interest shall be computed thereon : *And provided further*, That this act shall not be construed to legalize the organization of said township of Marcellus.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 24, 1845.

### No. 99.

**AN ACT** to authorize the Commissioners of Highways of the town of Jackson, in the county of Jackson, to alter a state road therein mentioned, and for other purposes :

Alteration  
of state ro'd.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners of highways of the township of Jackson, and county of Jackson, and their successors in office, be and they are hereby authorized and empowered to alter the state road running through said township on and near the premises now occupied by Wesley W. Lavery : *Provided*, Such alteration shall not be attended with any expense to the said township or county of Jackson.

Commissioners appointed.

Sec. 2. That Zebadiah Stiles, James Hutchinson, and Charles Merritt, of the county of Calhoun, be and they are hereby appointed commissioners with power to take up, alter and relay any portion of the territorial road (running from Marshall to Kalamazoo,) lying between the Gulf Bridge in the township of Emmet, Calhoun county, and Goguack Prairie, in the township of Battle Creek, in said county of Calhoun.

Sec. 3 This act shall take effect and be in force from and after its passage.

Approved March 24, 1845.

No. 100.

**AN ACT in relation to the duties of Circuit Court Commissioners:**

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Circuit Court Commissioners, <sup>Circuit court com'rs.</sup> in addition to their present duties, shall be, and hereby are authorized to allow commissions to take testimony, and to settle interrogatories thereon.

**Sec. 2.** This act shall take effect and be in force from and after its passage.

Approved March 24, 1845.

No. 101.

**AN ACT to provide for improving the state road from Marshall to Ionia.**

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there shall be applied and expended on the state road running from the village of Marshall in the county of Calhoun, to the village of Ionia in the county of Ionia, all <sup>State road.</sup> the highway taxes assessed on all the non-resident lands lying within two miles of the centre of said state road in the counties of Ionia and Eaton, and upon all the non-resident lands lying within one mile of the centre of said road, in the county of Calhoun, in the manner hereinafter provided, excepting the highway taxes upon the lands owned by non-residents appropriated during the present session of the legislature for the improvement of the Clinton road, and for the improvement of the road leading from the village of Lyons, in the county of Ionia, to the village of Ada in the county of Kent.

**Sec. 2.** The commissioners of highways of the several townships through which said road runs, shall expend all highway taxes arising <sup>Duty of highway com'rs.</sup> from non-resident lands in their respective townships, as appropriated by the provisions of the preceding section, in the same manner, and under the same regulations as are now provided by law for expending monies raised by townships for repairing and improving highways or for making new roads.

**Sec. 3.** The commissioners of any township on the line of said

Monies expended.

state road may expend a portion of the monies which may come into their hands under the provisions of this act, in improving said road in any other township, if in their opinion said road will be benefitted thereby.

Sec. 4. The provisions of this act shall be in force for the term of five years and no longer.

Sec. 5. This act shall be in force from and after its passage.

Approved March 24, 1845.

### No. 102.

**AN ACT** to establish a Board of Auditors to investigate certain claims growing out of the sales of primary or Common School, University and Internal Improvement Lands, &c.

Board of auditors.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Commissioner of the State Land Office, State Treasurer and Attorney General, be and they are hereby constituted a Board of Auditors for the purpose of investigating all claims and applications for relief growing out of the sales of the primary or common school, university, salt spring, state building, and internal improvement lands.

When to meet.

Sec 2. It shall be the duty of the said board to meet on the first Monday in February, and the first week in July in each year, at the city of Detroit, and when so convened, the board shall proceed to examine into all claims and applications for relief growing out of the sales of the lands aforesaid, and shall enter into a full settlement and final adjustment of all such claims and applications for relief as may be deemed just and equitable by said board, having in view the interests of the different funds for which the lands aforesaid were originally appropriated, and the just and equitable relief which each particular case may demand: *Provided*, That the decisions and awards of said board be first approved by the Governor: *Provided further*, That the provisions of this act shall not preclude any person or persons, who may feel himself or themselves aggrieved by the decisions and awards of said board, from applying at any time after such decisions and awards to the legislature for relief in their respective cases,

Proviso.



and that in no case shall an order be issued for refunding money to the purchasers of any of the lands above mentioned, their heirs or assigns, unless sanctioned by the legislature.

Sec. 3. Said board is hereby empowered to examine applicants and their witnesses under oath, to be administered by any member thereof.

Sec. 4. Joint resolution number 34 relative to certain claims, approved March 12, 1844, is hereby repealed.

Sec. 5. The said board shall make a report annually to the legislature, of all their proceedings under this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 24, 1845.

### No. 103.

**AN ACT** appropriating certain non-resident highway taxes for the purpose of improving the Detroit and Grand River Turnpike between the village of Howell, in Livingston county, and the house of Justus Gilkey, in Ingham county.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Michigan*, That for the purpose of improving <sup>Detroit and Grand River road.</sup> the Detroit and Grand River turnpike between the village of Howell, in Livingston county, and the house of Justus Gilkey, in Ingham county, there shall be and is hereby appropriated to be expended as hereinafter provided, the non-resident highway tax for the year 1844, which shall remain unexpended on the first day of May next, and the non-resident highway tax which may be hereafter assessed for the years 1845, 1846, 1847, and 1848, upon the lands owned by non-residents, upon the line of said road for the distance of two miles each way from the centre of said road: *Provided*, That if any lot or description not exceeding eighty acres of land (owned by non-residents as aforesaid,) shall be partially embraced within said limits, and extend beyond said two miles the highway tax upon said description, shall be deemed appropriated as aforesaid.

Sec. 2. A special commissioner shall be appointed for each of the

Special  
com'r ap-  
pointed.

counties named in this act, who shall have the superintendence of said road within their respective counties, and shall direct where the labor shall be performed on said road.

Duty of spe-  
cial commis-  
sioner.

Sec. 3. It shall be the duty of the special commissioner, each, in his own county, to make out a correct list, on or before the twentieth day of April next, of all the non-resident lands covered by the provisions of this act, and file the same with the county treasurer of the county wherein those lands are located.

Treas'r &c.

Sec. 4. The treasurers of the counties of Livingston and Ingham respectively, shall each open accounts in a book to be provided for that purpose at the expense of the counties respectively, with the Detroit and Grand River turnpike road fund, and shall credit the said fund (with) all monies that may be paid to them respectively, under the provisions of this act, and shall charge to said fund all warrants drawn in pursuance of this act, all payments made to the commissioners on account of their services, and such other necessary expenses in carrying into execution the purposes of this act, which may be audited by the board of supervisors of the respective counties therein.

Power of  
com'r.

Sec. 5. The said special commissioners, each in his own county, shall have power to let or contract, by public auction, any job or work upon said road, giving public notice thereof by posting up three or more notices within the several townships in the county through which the said road passes, as near as may be upon the line of said road, at least ten days before the time of letting such contract, which shall be let to the lowest bidder, giving good security to the satisfaction of the commissioner, for the faithful performance of said contract.

Duty of  
com'r.

Sec. 6: Whenever any such contract shall be performed the commissioner shall certify to the fact upon such contract, and shall thereupon draw his warrant upon the county treasurer for the payment of the same out of the Detroit and Grand River turnpike road fund, and shall attach such warrant to the said contract, and in case any person having so contracted shall fail in the performance of his contract, it shall be the duty of the commissioner to cause the same to be prosecuted in his own name, for the benefit of the aforesaid account.

Sec. 7. Any non-resident who may wish to perform the labor as-  
 sessed upon his lands lying within the limits designated in the first  
 section of this act may apply, either by his agent or otherwise to the  
 special commissioner of the county in which the lands lie, and on such  
 application the said commissioner shall direct when and where, and  
 in what manner the labor may be performed on said road, and when-  
 ever the same shall be fully and satisfactorily performed, the said  
 commissioner shall give a receipt therefor, and upon presentation of  
 such receipt to the overseer of highways of the road district in which  
 such lands lie, before the time designated by law for the return of un-  
 paid highway taxes, the said overseer shall cancel the tax acknowl-  
 edged to be paid by said receipt.

Non-resi-  
 dent may  
 perform la-  
 bor.

Sec. 8. Whenever any person shall commute the highway tax as-  
 sessed upon non-resident lands embraced within the provisions of this  
 act, and the same shall be paid to overseers of highways, he shall pay  
 over the same within thirty days thereafter, to the township treasur-  
 er, who shall give duplicate receipts therefor, one of which receipts  
 said overseer of highways shall deposit with the county treasurer,  
 within ten days thereafter, and the township treasurer shall pay to the  
 county treasurer on or before the fifteenth day of November, in each  
 year, all moneys that may come into his hands from overseers of  
 highways.

Commute's

Sec. 9. Ralph Fowler, of the county of Livingston, and J. H. Kil-  
 born, of the county of Ingham, are hereby appointed special com-  
 missioners under this act for the counties in which they respectively  
 reside, and before said commissioners shall enter upon their duties,  
 they shall take the oath prescribed by the laws of this state, and file  
 the same with the county clerk of their respective counties.

Commis'ss.

Sec. 10. Each of the commissioners shall receive as compensa-  
 tion for their services, one dollar and fifty cents per day, for each  
 day actually employed in the business of said road, which actual em-  
 ployment each commissioner shall verify by his affidavit, and his ac-  
 count so verified shall be paid by the treasurer of his proper county  
 out of said road fund.

Compensa-  
 tion.

Sec. 11. All monies collected in a county shall be disbursed in the  
 same county.

Sec. 12. Any person who shall neglect or refuse to perform the

**Penalty for neglect.** duties enjoined upon him by this act, shall forfeit and pay a sum not exceeding twenty dollars, and the commissioners herein mentioned, may also be removed from office for such neglect or refusal by the board of supervisors of the proper county, who may enter such neglect or refusal at large upon their journal; but no removal shall be made by the board of supervisors without first giving said commissioners at least five days notice, to be heard in their defence, and any vacancies which may occur in any of the offices created by this act shall be filled by the board of supervisors of their respective counties.

**Forfeiture.** Sec. 13. Any forfeiture incurred under and by virtue of this act, may be recovered in action of debt before any justice of the peace, in the name of the people of the state of Michigan, which shall be paid to the treasurer of the county in which the forfeiture occurred, to be placed to the credit of the aforesaid fund.

Sec. 14. The laws regulating highways in this state not contrary to the provisions of this act shall apply to this road.

Sec. 15. This act shall take effect and be in force from and after its passage.

Approved March 24, 1845.

### No. 104.

**AN ACT** to refer the claim of Stephen J. Morse to certain school lands to the board of state auditors, and for other purposes.

**Stephen Morse.** Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the board of auditors appointed to investigate and settle all claims and applications for relief growing out of the sales of primary or common school, University and internal improvement lands, be, and they are hereby authorized to investigate and settle the claim of Stephen J. Morse, of Monroe, and all like claims, in accordance with the justice and merits of the case, as such may be made to appear to such board.

Approved March 24, 1845.

No. 105.

AN ACT in relation to taxing banks.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the specific state tax of one-half of one per cent on the capital stock of all banks within the state provided for in part first, title five, and chapter eight, of the revised statutes, shall be demed and construed to be in lieu of any like tax imposed by the charter of any banks incorporated prior to the taking effect of said revised statutes, and in lieu of all other taxes imposed on the capital stock of any bank within the state for state purposes: *Provided*, That all the real and personal property of any such bank other than their capital stock shall be subject to taxation for state purposes: *And provided further*, That the real and personal property of all banks, including their capital stock shall be subject to taxation for county, township, and other purposes, as is now, or may be provided by law for the assessment and collection thereof. Taxation of banks

Sec. 2. Every bank which shall within four months from the passage of this act, prove by the oath or affirmation of its president or Cashier, or other evidence to the satisfaction of the Attorney General and State Treasurer, that it has since the taking effect of the revised statutes, or since its incorporation, paid state and other taxes imposed by law of this state equal to or exceeding one-half of one per cent per annum on the amount of its capital, shall be exempt from liability to suit or prosecution for non-payment of any specific tax imposed by law and heretofore payable; and if the amount so paid shall be less than one-half of one per cent on the capital stock, such bank shall be liable for the deficiency only.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved, March 24, 1845.

## No. 106.

AN ACT ceding jurisdiction to the United States over a tract of land situate in Wayne County, reserved by said United States out of the public lands for the site of an Arsenal.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That jurisdiction is hereby ceded to the United States over a certain tract of land containing about two hundred and twenty-four acres, situate in Wayne county, which tract was reserved from sale by the United States, and is occupied and known as the site of the United States arsenal at Dearbonville, commonly called the Detroit Arsenal; said tract of land being bounded as follows, viz: Beginning at a point on the right bank of the main branch of the River Rouge, five chains and twenty-four links above the mill dam, and running thence south seventy-three, west eighty-one chains and forty-five links, thence south thirteen degrees, east twenty-five chains and fifty-five links to the northern line of Chicago turnpike road; thence along the northern boundary line of said road seventy-five chains fifteen links; thence north thirty-one degrees, east to the junction of the stream known as the west branch of the River Rouge with the main branch of that river, and thence up said main branch with the meanders thereof to the place of beginning: *Provided always*, and the assent aforesaid is granted upon the express condition, that this state shall retain a concurrent jurisdiction with the United States in and over the tract of land aforesaid, so far as that all civil and such criminal processes as may issue under the authority of this State against any person or persons charged with crimes committed without the bounds of said tract, may be executed therein in the same way and manner as though this assent had not been granted.

Jurisdiction  
ceded to U.  
S.

Approved March 24, 1845.

No. 107.

**AN ACT** to amend an act entitled an act to amend an act entitled "An act to incorporate the Kalamazoo Mutual Insurance Company," approved March seventh, eighteen hundred and thirty-four.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the words "within one year after giving notice as aforesaid of said loss or damage, and not afterwards," contained in the seventh section of an act entitled "an act to amend an act entitled an act to incorporate the Kalamazoo Mutual Insurance Company," approved March seventh, eighteen hundred and thirty-four," approved March twenty-seventh, eighteen hundred and forty-one be and the same are hereby struck out and repealed. Kalamazoo Ins. Co.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 24, 1845.

No. 108.

**AN ACT** supplementary to an act entitled "An act to modify the License Law.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the act to modify the license law, approved March, 1845 shall take effect and be in force from and after its passage. License law

Sec. 2. This act shall take effect from its passage.

Approved March 24, 1845.

No. 109.

**AN ACT** to vacate a certain Territorial Road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That David Bagg, Jesse Decker, and Daniel Pease, be, and they are hereby authorized, if in their discretion it will benefit community, to vacate so much of a certain territorial road located in pursuance of an act entitled "an act to provide for laying out a certain territorial road," approved June twenty-

six, eighteen hundred and thirty-two, as lies between a point beginning at the place where the highway running east through the village of Perrysburg, in the township of Orion, in the county of Oakland, intersects said territorial road and the place where the highway running north through the village of Orion, in said county, intersects said territorial road, and file a certificate of such vacation in the office of the township clerk of the township of Orion.

Sec. 2. This state shall not be chargeable with any expense made by said commissioners.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 24, 1845.

### No. 110.

**AN ACT to provide for paying salaries of State Officers for the year one thousand eight hundred and forty-five.**

Done of  
state officers

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the following sums be, and they are hereby appropriated out of the general fund for the current expenses of the state government, for the year one thousand eight hundred and forty-five, to wit: For the salaries of the Governor, the Associate Justices of the Supreme Court, and the Chancellor, fifteen hundred dollars each; for the salary of the Chief Justice of the Supreme Court, sixteen hundred dollars; for the salaries of the Judge of the District Court, Auditor General, Secretary of State, State Treasurer, Commissioner of the Land Office, one thousand dollars each; for the salaries of the Chief Clerk of the Auditor General and the State Treasurer, seven hundred dollars each; for the salaries of the two Assistant Clerks for the Auditor General, six hundred dollars each; and for the salaries of the Deputy Secretary of State, Deputy Commissioner of the Land Office, and one Clerk of the Land Office, at the rate of five hundred dollars a year each for the time actually employed in the service of the state, said Auditor and Commissioner respectively certifying that such deputies and clerks during the time employed were necessary; for the salary of the Attorney General



eight hundred dollars ; for the salary of the Superintendent of Public Instruction, five hundred dollars ; for the salary of the Adjutant General, three hundred dollars ; for the salary of the Recorder of the Land Office, four hundred dollars ; and for the State Geologist, one thousand dollars ; for the salary of the State Topographer, eight hundred dollars ; and for the current expenses of the Geologist and Topographical survey, such sums as might be necessary, not exceeding four hundred dollars, and for the engraving for the final report of the State Geologist, five hundred dollars.

Sec. 2. That there be appropriated the further sum of fifteen hundred dollars to the contingent fund to be paid out upon the warrant of the Auditor General upon the order of the Governor.

Sec. 3. The salaries above specified shall be payable quarterly, commencing from the first day of January of the present year, or at the same rates for fractional quarters.

Sec. 4. There is hereby appropriated so much money in addition to the amount already appropriated, to be paid out of the general fund, as may be necessary to pay to the officers and members of the present legislature the amounts that shall be due them respectively at the rates fixed by law.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 24, 1845.

### No. 111.

**An Act making appropriations to defray certain expenses authorized for the year eighteen hundred and forty-five.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the following sums be and they are hereby appropriated out of the general fund : To W. Greusel, <sup>W Greusel.</sup> jr., for wood furnished at capitol, one hundred and seventy-eight dollars and thirteen cents, for the year eighteen hundred and forty-four ; to John Cunningham, for repairing fire arms, nine dollars and fifty-four cents ; to John Webster, for stove for Governor's office, twenty-seven dollars and thirty-eight cents ; to E. N. Lacroix, for transla- <sup>E. N. Lacroix.</sup>

Tillman.     ing Governor's message into french, fifty dollars ; to J. W. Tillman for chairs for House of Representatives, one hundred and seventy-one dollars ; to Harsha and Willcox, for printing blanks for Secretary of State's office, sixty-six dollars and fifty cents ; to Chandler and Stillman, for blanks furnished the Auditor General's office, twelve dollars ; to A. McFarren, for stationery furnished Auditor General's office, twenty-nine dollars and thirty-five cents, for the year eighteen hundred and forty-four ; to F. H. Steevens, for services as a witness before the Senate committee, six dollars ; to John Webster for trimming fire board in eighteen hundred and forty-three, one dollar and fifty cents ; to G. F. Rood and Co., for stationery furnished the Auditor General's office for the year eighteen hundred and forty-four, thirty-one dollars and seventy-seven cents ; to G. F. Rood and Co., for stationery furnished the Attorney General's office for the year eighteen hundred and forty-four, thirty-one dollars and thirteen cents ; to G. F. Rood and Co. for stationery furnished the Secretary of State, twenty-two dollars and seventy-five cents ; to G. F. Rood and Co., for stationery furnished A. W. Hovey, Clerk of the House of Representatives in eighteen hundred and forty-four, nine dollars and twenty-five cents ; to G. F. Rood and Co., for stationery furnished the office of Quartermaster General for the year eighteen hundred and forty-four, five dollars and sixty-five cents ; to Henry Gilbert, for printing tax receipts and furnishing papers for treasurer's office for the year eighteen hundred and forty-four, thirteen dollars ; to George R. Griswold, for transcript from report of Auditors, in the case of Benjamin Porter ads. the Michigan State Bank, four dollars ; to Charles P. Bush, for one hundred miles travel, to and from the seat of government of this state, and one days attendance to cast the electoral vote of this state for President and Vice President, eighteen dollars ; also to Samuel Axford, for fifty-six miles travel to cast the electoral vote as last aforesaid, twelve dollars ; also, to Parley J. Spalding, for one hundred and forty miles travel to cast the electoral vote as aforesaid, twenty-four dollars ; also, to Louis Beaufait, for one days travel and one days attendance, to cast the electoral vote as aforesaid, six dollars ; to George Redfield, for three hundred and forty miles travel, and one days attendance to cast the electoral vote as aforesaid, fifty-four dollars ; to G. F. Rood and Co. for stationery furnished in the

year eighteen hundred and forty-four, to William C. Peuse, engrossing, enrolling and recording clerk of the House of Representatives, nineteen dollars ; to G. F. Rood and Co. for stationery furnished the court of chancery for the year eighteen hundred and forty-four, by order of A. Ten Eyck, register, six dollars and twenty-five cents ; to G. F. Rood and Co. for stationery furnished the supreme court for the year eighteen hundred and forty-four, by order of A. Ten Eyck clerk, six dollars and eighty-eight cents ; to G. F. Rood and Co. for stationery furnished the supreme court and chancery court, in the year eighteen hundred and forty-four, by order of A. M. Gould clerk and register, thirty dollars and twenty-five cents ; to G. F. Rood and Co. for stationery furnished the fourth circuit of the supreme court, for the year eighteen hundred and forty-four, by order of Alfred Treadway, clerk and register, twenty-three dollars ; to A. McFarren A. McFarren. for stationery furnished the Auditor General's office for the year eighteen hundred and forty-four, twenty-nine dollars and eighty-five cents ; to Augustine W. Hovey, clerk pro tem of the House of Representatives, twenty-one dollars ; to the commissioner appointed to revise the general laws of this state, the sum of one thousand dollars, to be paid Reviser of laws. quarterly ; to pay the private secretary of the Governor and the assistant librarian, each three dollars per day during the present session of the legislature, such sum as may be necessary after exhausting the appropriation heretofore made for that purpose ; to Abner C. Smith, Robert D. Power, and Calvin Davis, for expenses in going to Jackson as a joint committee to visit the state prison, twelve dollars A. Smith, R. Power & C. Davis. each ; to Michael E. Van Buren, for services and expenses as clerk M. E. Van Buren. of said joint committee, thirty-six dollars ; to Asahel S. Bagg for stationery furnished the House of Representatives, forty-four dollars and eighty-seven cents, for stationery furnished the office of Secretary of State, fifty-seven dollars and fifty-five cents ; also for stationery furnished reporters of supreme and chancery courts, three dollars and thirty-nine cents ; also for stationery furnished the late reporters of said courts, two dollars ; also for stationery furnished the office of Auditor General, one hundred and eighty-two dollars and sixty-one cents ; also for stationery furnished the associate judges of supreme court and office of register of first circuit, thirty dollars and seventy-one cents ; also for stationery furnished the office of State Treasurer, eleven dol-

A. Hovey.

Private secretary.

A. Smith, R. Power & C. Davis.

M. E. Van Buren. A. S. Bagg.

lars and fifty cents ; also for stationery furnished the office of Adjutant General, twenty-eight dollars and seventy-five cents ; to A. S. Williams for printing general orders from Adjutant General's department for the year 1844, thirteen dollars and twenty-five cents ; to J. Stewart James Stewart for balance due on exchange of stoves for the Adjutant General's office, seven dollars and ninety-two cents ; to Edward R. D. Ellis D. Ellis for printing general orders from the Adjutant General's department, for the year 1844, thirteen dollars and twenty-seven cents ; to George W. Knapp for black walnut furnished the state in 1840, eighteen dollars and thirty-six cents ; to C. G. Crego, for attendance as a witness before a committee of the legislature in the year 1838, twenty-five dollars ; to A. McFarren for stationery furnished the House of Representatives for the year 1843, five dollars ; to W. L. Bancroft, for printing Adjutant General's notice for the year 1844, five dollars ; to John N. Ingersoll for printing Adjutant General's notice for the year 1844, five dollars ; to E. G. Morton & Co. for printing sale of Palmyra and Jacksonburgh railroad, ten dollars and seventy-five cents ; to R. W. Ingalls for advertising sale of Palmyra and Jacksonburgh railroad, ten dollars and twenty-five cents ; to A. S. Williams, for printing division orders for 1844, thirteen dollars ; to A. S. Williams, to advertising proposals for printing, one dollar ; to Edward D. Ellis for advertising proposals for state printing, for 1844, one dollar ; to John Brown for repairing chimney and roof of capitol, three dollars and fifty cents ; to S. N. Gantt for stationery furnished the House during the present session of the legislature, four hundred and thirteen dollars and twenty-four cents ; to G. F. Rood & Co. for stationery furnished the House during the present session of the legislature, five hundred and thirty-seven dollars and ninety-eight cents ; to S. Bristol jr., for one copy of Sherman and Smith's maps and gazeteer of the United States, fifteen dollars ; to Van Dyke and Harrington, for legal services in the case of the President & Co. of the Michigan State Bank, vs. the Secretary of State, State Treasurer and Auditor General, in chancery and in supreme courts, two hundred dollars ; also for retainer in chancery of the same case, drawing and filing bill of complaint, argument, &c., also retainer in same case in supreme court, argument of cause in said case in said court, two hundred dollars ; to Van Dyke & Harrington, for retainer

er in chancery ads. the Michigan State Bank, and services in attending to same, also retainer in said case in supreme court, and services in attending to same, two hundred dollars; to J. B. Schick, for translation of Governor's message into german, fifty dollars; to Wm. Reed, for sawing and splitting seventy-five cords of wood, thirty-nine dollars and thirty-eight cents; to A. S. Bagg, for stationery furnished the House of Representatives during its present session, one hundred and ninety-nine dollars and sixty-five cents; also such sum as may be necessary to pay the chaplains of the two houses of the legislature, the chaplain of the Senate, two dollars per day, and the chaplains of the House each one dollar and fifty cents per day, during the session; to pay John Norvell for appearing in and arguing before the supreme court of the United States, in case of Carroll vs. Safford, two hundred dollars.

Sec. 2. To Bagg and Harmon, for printing and advertising for the office of the Secretary of State, including laws of 1844, two hundred and ninety dollars and sixty-three cents; for printing for the Secretary of the Senate of 1844, two dollars; for advertising for the office of State Treasurer, eleven dollars and fifty cents; for printing for Auditor General, eight hundred and sixty-nine dollars; for printing and ruling blanks for office of Superintendent of Public Instruction, one hundred and thirty-five dollars; for advertising for associate justices of supreme court, six dollars; for printing and advertising for office of the Adjutant General, one hundred dollars and twenty cents; for advertising division orders of Major General, four dollars and fifty cents; to Alexander Goodell, for furnishing candles for House of Representatives, nine dollars and forty-eight cents; to P. Hayden, for drop to Speakers bar, one dollar and fifty cents; to B. B. Moore, for two screens, twelve dollars; to George Coombs, keeper of the capitol and grounds since the adjournment of the last legislature to this time, and for sundry articles furnished for the capitol, two hundred and fifty dollars and eighty-eight cents; to F. F. Halicja Hale, for storage of one brass cannon five months, five dollars; to E. J. Roberts for balance due on expenses incurred by visiting the city of Washington in 1843, to settle account with war department, one hundred and fifteen dollars in full for all his services; to H. H. Comstock, for attendances and mileage before committee of the House

**N Strong.** at its present session, thirty dollars ; to N. Strong, for attendance and  
**T O Hills,** mileage as aforesaid, three dollars ; to Thomas O. Hill, for attend-  
**Sergeant-at** ance and mileage as aforesaid, twelve dollars ; to the Sergeant-at-  
**arms,** arms of the House of Representatives for expenses to subpoena said  
**Geologist.** witnesses, twenty dollars ; to pay an assistant state geologist, to aid  
in preparing the final report of the state geologist, three hundred dol-  
**C Morse** lars ; to C. Morse for stationery furnished the legislature, sixty-five  
**T Brodhead** dollars and ninety-nine cents ; to Thornton F. Brodhead, secretary  
of the Senate, for extra services during the present session, fifteen  
dollars.

**Member** Sec. 3. There shall be allowed to the member from Michilimack-  
**from Michil-** inac, for extra time before the session of the legislature, at the rate  
**imack.** of three dollars per day, to be paid on the certificate of the member.

Sec. 4. That there is hereby appropriated to be paid out of the  
**T Brodhead** general fund, to Thornton F. Brodhead, secretary of the Senate, and  
**and E. Williams** Ezra Williams, clerk of the House of Representatives, for prepar-  
ing for publication, making indexes and superintending the publica-  
tion of the journals and documents of each House respectively, for  
the present session, one hundred and fifty dollars each ; to Thornton  
F. Brodhead, secretary of the Senate, for recording, preparing for  
and superintending the publication of the Executive journal of the  
present session, thirty dollars ; to Thornton F. Brodhead, secretary  
of the Senate, for making a fair journal of the Senate, and Ezra  
Williams, clerk of the House of Representatives, for making a fair  
journal of the House during the present session of the legislature, to  
be deposited in the office of the Secretary of State, the sum of six  
cents per folio, to be paid on the certificate of the Secretary of State,  
**J Covell** that the work is performed ; to James Covell, jr., the sum of fifty  
dollars, payable by a warrant drawn upon the internal improvement  
fund with interest from the passage of this act ; to Thomas Rowland  
**T Rowland** for postage of offices and members of the legislature, agreeably to a  
joint resolution of the two houses, such sum as may be due on that  
account, to be ascertained and settled by the secretary of the Senate  
and clerk of the House of Representatives ; the sum of two hundred  
dollars for newspapers ordered for the officers and members of the  
**A Kaminsky** House of Representatives, agreeably to a joint resolution ; to A.  
Kaminsky, fifty-eight dollars and forty cents, for printing five hun-

dred copies of the Governor's message in the German language ; the sum of one hundred and seventeen dollars, to pay the fireman of the House of Representatives ; also the sum of one hundred and seventeen dollars, to pay the firemen of the Senate ; to Henry E. Perry, the sum of forty-six dollars and twenty-five cents, for repairs of the capitol.

Sec. 5. That the following sums be and they are hereby appropriated out of the general fund : To Chauncey Morse, for stationery furnished the supreme court from March tenth to September eleventh, eighteen hundred and forty-three, eleven dollars and thirty-seven cents ; to A. S. Williams, for twenty-two copies of the Daily Advertiser for members and officers of the Senate, thirty-eight dollars and ninety-two cents ; to Henry E. Perry, for repairs of table, doors and so forth, for Senate, fifteen dollars and thirty-seven cents ; to G. F. Rood & Co., for stationery furnished the Senate of eighteen hundred and forty-five three hundred and fifty-six dollars and eighty-two cents ; to Morse and Burr, for publishing changes of time of holding courts in eighteen hundred and forty-three and in eighteen hundred and forty-four, six dollars ; to Moses Hawks, for twenty copies of the Alle- gan and Barry Record, for the Senate of eighteen hundred and forty-five, ten dollars ; to T. F. Brodhead, secretary of the Senate, for the following : For newspapers furnished officers and members of the Senate as follows : New Orleans Picayune, two dollars, Boston Post one dollar and thirty-three cents, New York Herald, two dollars and forty cents, New York Evening Post and Grand River Eagle, two dollars and fifty cents ; to A. H. Newbould, for hardware furnished the Senate, (this session,) four dollars and twelve cents ; to A. S. Kellogg, for stationery furnished the Secretary of State's office, in December, eighteen hundred and forty, five dollars ; to A. C. Smith, for papers ordered for himself for the session, five dollars ; to A. S. Bagg, for stationery furnished for the Senate during the present session, seventy-nine dollars and eighty-eight cents ; to S. N. Gantt, for stationery furnished the Senate of eighteen hundred and forty-five, one hundred and ninety-one dollars and fifty-seven cents ; to John S. Abbott, George G. Bull, Reynolds Gillett, and Loomis Palmer, for attendance as witnesses in case of alleged breach of privilege by Alexander Davidson, two dollars each ; to Blair and Rives, for the Con-

Firemen.

H E Perry.

C Morse.

A S Williams.

H E Perry.

G F Rood & Co.

Morse & Burr.

M Hawks.

T F Brodhead.

A H Newbould.

Kellogg.

A C Smith.

S Bagg.

Gantt.

Abbott, Gillet and Palmer.

Blair and Rives.

**Harris and Hart.** Congressional Globe and Appendix, two dollars; to Harris and Hart, for the Constitution, one dollar and seventy-five cents; to the **Attorney Genl. and counsel.** Attorney General, and the Counsel associated with him, for the trial of the cases for a breach of the privilege of the Senate, fifty dollars each; to the credit of the sinking fund, two thousand dollars; and the State Treasurer is hereby required to transfer that amount accordingly; to **J. F. Ely.** J. F. Ely, for printing notice of Adjutant General, five dollars; to **D. Whitfield.** Daniel Whitfield, for six days services as fireman, six dollars; to **Bagg and Harmon.** Bagg and Harmon, for printing divisions and certificates of members of the legislature, sixty dollars; also for printing and binding two hundred copies of the legislative manual, fifty-five dollars and thirty-five cents; also, for sundries, forty-three dollars; the sum of fifty dollars to the fire department of the city of Detroit, for the use and benefit of said department. There is also hereby appropriated sixty dollars for the freight and charges on books transmitted to this state by Alexander Vattemaro.

**Fire Department.** **Freight &c.**

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 24, 1845.

## No. 112.

**AN ACT to amend an act to provide for laying out a State Road from Pontiac to Hillman's Tavern, in the township of Tyrone, county of Livingston.**

**State road.** Sec. 1. That section three of the said act be and the same is hereby amended by inserting between the words "expended" and "all" in said section three, the following words, "upon said road."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 24, 1845.



No. 113.

**AN ACT to authorize Chad Brown and others to build a Dam across the St. Joseph River.**

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That Chad Brown, Philogene P. Maillard, Ferdinand Meitzger, Isaac Higbee, and Benjamin H. Bertrand, and their heirs and assigns, are hereby authorized and empowered to build a dam across the St. Joseph river, at the village of Bertrand, in the county of Berrien.*

Sec. 2. The said dam shall not exceed six feet in height above common low water mark, and shall contain a convenient lock for the passage of all boats, barges, rafts or other water craft that may navigate said river, and shall be so constructed as to receive such boats, and other water craft in slack water of sufficient depth below said dam, and to pass them to slack water of sufficient depth above said dam for all the purposes of the navigation of said river at all times.

Sec. 3. It shall be the duty of the owners of said dam at all times to keep said lock in repair, and to pass any water craft which can be admitted therein through the same, free of toll, and without unnecessary delay, and any person who shall be unnecessarily detained shall be entitled to recover of the said owners, double the amount for the damages, which he shall prove that he has sustained by such detention, before any court of competent jurisdiction, with costs of suit.

Sec. 4. Any person who shall destroy, or in any wise injure said lock or dam, shall be deemed to have committed a trespass upon the owners thereof, and be liable accordingly, and any person who shall wilfully and maliciously destroy or injure the said lock or dam, shall be deemed guilty of a misdemeanor, and on conviction be punishable by fine or imprisonment, in the discretion of the court.

Sec. 5. Nothing herein contained shall authorize the individuals named in the first section of this act, their heirs and assigns to enter upon or flow the lands of any other person or persons, without the consent of such person or persons; and the legislature may at any time hereafter, so alter or amend this act as to provide for the further improvement of the navigation of the St. Joseph River.

Approved March 24, 1845.

## No. 114.

**AN ACT** to provide for the payment of interest on certain monies belonging to the primary school fund, and to increase the State Tax:

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the Auditor General and State Treasurer be, and they are hereby authorized and required to compute interest annually, on the first day of May in each year, on the amount of treasury notes or other funds paid in and standing to the credit of the principal of the primary school fund, (the interest on which shall not be otherwise provided for by law,) at the rate of seven per cent per annum, from the first day of May preceding, or from the respective dates during the preceding year, when any particular sums may have been so paid in on account of the principal of said fund.

**Sec. 2.** Upon computing and ascertaining the amount of interest accruing and due for the past year, as above provided, they shall credit the primary school interest fund with said amount, by transferring a like amount from the general fund; and said monies as transferred and credited to the primary school interest fund shall be included with and apportioned for the support of schools as the other school monies for the respective years.

**Sec. 3.** That section 44 of an act entitled "An act relative to common or primary schools," approved March 8, 1843, be amended by striking out of the fifth line thereof the word 'five' and insert 'seven' in lieu thereof, and by inserting in the third line of said section after the word "forty-four" the words "and thereafter," and that section one of an act entitled "An act to reduce the rate of taxation on real and personal property," approved February 16, 1842, be, and hereby is amended by striking out of the sixth line thereof the word "two," and insert "two and a half" in lieu thereof.

**Sec. 4.** This act shall take effect and be in force from and after its passage.

Approved March 24, 1845.

No. 115.

AN ACT to amend an act to establish a Land Office to prescribe and regulate the disposition of the public lands, and for other purposes, approved March 11, 1844.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all purchasers of university and school lands, who by reason of the non-payment of either principal or interest due in the years one thousand eight hundred and forty-four and one thousand eight hundred and forty-five, and under the existing provisions of law, have forfeited the lands purchased, made void their certificates of purchase for the same, may be restored to their original rights under the said provisions by paying to the Commissioner of the State Land Office or to the State Treasurer, by the first day of March next, or within sixty days thereafter, the amount of arrearages for principal and interest due to the time of such forfeiture on their several purchases, together with such incidental costs and charges as may be incurred, to be estimated by the Commissioner, and upon such payment, their several certificates of purchase shall become valid in law. Purchasers.

Sec. 2. That hereafter in all cases of non-payment of principal or interest due upon purchases of university, school or state building lands, at the time required by the provisions of the act to which this is amendatory, the purchasers delinquent in the payment of dues as aforesaid, may redeem their several purchases, which have been forfeited, by paying to the Commissioner of the Land Office or to the State Treasurer, prior to the first day of October, in each year, the amount of arrearages past due with twenty-five per cent penalty upon the same, and upon payment of the amount of such arrearages and penalty as aforesaid, all the original rights of the purchaser, in and to the land purchased, shall be restored and revested in him. But in cases of failure to redeem as aforesaid, the forfeiture shall be absolute, and the rights of the purchaser shall be forever void and of no effect, and the land forfeited shall be subject to the provisions of law concerning forfeiture, dispossession and resale of said lands on account of the non-payment of either principal or interest, as prescribed in the act. to which this amendatory: *Provided, That all* Purchasers may redeem. Provide.

forfeited lands may be advertised for ~~resale~~, as is now provided by law, at any time before the said first day of October, in each year. but shall not be sold until the expiration of the time herein limited for redemption by the purchaser.

Section re-  
pealed.

Sec. 3. Sections 23, 24, 25 and 26, of the act to which this is amendatory, be and the same are hereby repealed; and every supervisor or township clerk, as the case may be, shall, on or before the first Monday in September next, pay over to the Commissioner all monies received by him on account of leases (his legal fees excepted) given under the provisions of said sections, and at the same time report in writing to the Commissioner the several sums remaining due and unpaid by the lessees, and the said supervisor or township clerk shall sue for and collect the several amounts due and unpaid as aforesaid or otherwise dispose of the several notes or obligations held for the payment of the same according to the discretion of the Commissioner; and every supervisor or township clerk as the case may be, who shall refuse or neglect to do and to perform all the duties herein required of him, shall be liable for treble the amount of damages which may be sustained by the respective and appropriate fund by reason of such neglect or refusal, and the Commissioner may sue for and collect the same according to law.

Penalty.

Com'r may  
may lease.

Sec. 4. The Commissioner, in his discretion may lease or direct to be leased for a term not exceeding two years any of the lands mentioned in the act to which this is amendatory, upon such terms as he may deem advantageous to the respective funds to which they belong, and all certificates of purchase shall be subject to the leases given previous to the date of such certificate for any of the lands described therein.

Settler may  
enter lands.

Sec. 5. Any settler mentioned in or contemplated by the act to provide for the sale of certain lands to the settlers thereon, and for other purposes, approved March 25th, 1840, and the several acts amendatory thereof, whose land has been forfeited to the state or has not become a purchaser of the lands upon which he resides, and on which his settlement is made, and who shall hereafter become a purchaser of the same, shall be entitled to enter the same according to the terms established by law for the sale of unimproved university and state building lands, irrespective of the value of said improve-

ments, and no amount shall be charged to him for the value of said improvements so made by or assigned to him.

Sec. 6. All acts and parts of acts contravening the provisions of ~~Repeal~~. this act be and the same are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 24, 1845.

THE  
LIBRARY  
OF THE  
MUSEUM OF  
ART AND  
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# RESOLUTIONS.

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## No. 1.

### **JOINT RESOLUTION** authorizing the Governor to appoint a Private Secretary.

*Resolved, By the Senate and House of Representatives of the State of Michigan.* That the Governor be, and he is hereby authorized to employ a Private Secretary during the present session of the legislature, who shall receive such compensation as the legislature shall direct, not exceeding three dollars per day. Private Secretary.

Approved January 10, 1845.

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## No 2.

### **JOINT RESOLUTION** authorizing the Commissioner of the State Land Office to release to D. C. Vantine and others, the right to construct a Mill Race or canal across certain University Lands.

*Resolved, By the Senate and House of Representatives of the State of Michigan.* That in consideration of the erection of a flouring mill by D. C. Vantine and others, within the term of two years upon the university lands in the township of Marshall now owned by said Vantine; the Commissioner of the State Land Office is hereby authorized to release and quit claim unto said Vantine his heirs and assigns a right of way of sufficient width for a race or canal to conduct the waters of Bear Creek to said mill, through any of the said D. C. Vantine

## RESOLUTIONS.

university lands now unsold or which may be hereafter forfeited to the state : *Provided*, The said Commissioner shall be convinced that the university fund will not be injured thereby.

Approved January 23, 1845.

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### No. 3.

#### PREAMBLE AND JOINT RESOLUTION relating to Salt Spring Lands.

*Whereas*, The grant by Congress of certain lands to the state of Michigan for Saline purposes, is so construed as to restrict the state from the sale and conveyance of said lands, thus rendering the same unavailable and unproductive for the object intended by said grant ; therefore,

*Resolved*, *By the Senate and House of Representatives of the State of Michigan*, That our Senators in Congress be, and they are hereby instructed, and our Representatives requested, to procure the early passage of a law giving to the state the right to sell and convey said lands so that they may be made available for the purposes of the grant.

*Resolved*, That the Governor be and he is hereby requested to forward copies of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

Approved January 23, 1845.

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### No. 4.

#### JOINT RESOLUTION relative to the annexation of Texas.

*Resolved*, *By the Senate and House of Representatives of the State of Michigan*, That our Senators in Congress be instructed and our Representatives be and are hereby requested to use all proper exertions for the annexation of Texas to these United States at the earliest practical period.

Approved February 3, 1845.



## RESOLUTIONS.

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### No. 5.

**JOINT RESOLUTION** instructing our Senators and requesting our Representatives in Congress to use their influence in favor of a reduction of postage.

*Whereas*, The present unequal and exorbitant charges for postage falls peculiarly heavy upon our citizens, rendering their correspondence with the Atlantic states, a burdensome and oppressive tax, compelling them constantly to seek other avenues than those provided by government for the transmission of letters, and believing a reduction of the rates of postage would, by encouraging correspondence tend to increase the revenue of the Post Office Department, and be satisfactory to the people.

*Therefore resolved*, *By the Senate and House of Representatives of the State of Michigan*, That our Senators in Congress be instructed and our Representatives requested to use their influence to obtain a liberal reduction of the present charges for postage, particularly on letters, and to abolish or modify the franking privilege, so that it shall no longer remain an unjust tax upon the general correspondence of the country: *Provided*, That the present mail facilities enjoyed by the new states be not thereby abridged.

*Resolved*, That the Governor be and he is hereby requested to transmit a copy of the foregoing to each of our Senators and Representatives in Congress.

Approved February 6, 1945.

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### No. 6.

**JOINT RESOLUTION** relative to tariff on Wood.

*Whereas*, The construction given to the revenue laws of the United States, permits steamboats navigating the inland waters of the United States bordering on foreign territory to procure their supply of wood and fuel in Canadian ports free of duty.

*And whereas*, The privilege thus conferred and used, has become subject of very just complaint, and prejudicial to the interests of a portion of the people of this state; therefore,

*Resolved*, *By the Senate and House of Representatives of the State*

## RESOLUTIONS.

*Instructions of Michigan*, That our Senators in Congress be instructed, and our Representatives requested to use their best efforts to obtain the passage of an act for the better enforcement of the revenue laws, whereby steamboats and other vessels navigating the inland waters of the United States shall be prohibited from smuggling wood under the pretence of supplies.

*Resolved*, That the Governor be requested to forward a copy of the above resolution to each of our Senators and Representatives in Congress.

Approved February 15, 1845.

## No. 7.

**JOINT RESOLUTION** relative to Steamboats on the lakes in connection with the Railroads of this State.

*Resolved*, *By the Senate and House of Representatives of the State of Michigan*, That the *Board of Internal Improvement* be and they are hereby authorized to enter into such arrangements with a line of steamboats on Lake Erie, running in connection with the Central and Southern Railroads, and with stage lines west of the Western termination of said roads, and with one or more steamboats on Lake Michigan, from St. Joseph to Chicago and Milwaukee, as they may deem best for the interest of the state, and most productive of revenue on said Railroads: *Provided*, That such arrangements can be made without involving the state in any expenditures.

Approved February 15, 1845,

## No. 8.

**JOINT RESOLUTION** relative to the claim of Joel Clemens.

*Resolved*, *By the Senate and House of Representatives of the State of Michigan*, That the claim of Joel Clemens be, and the same is hereby referred to the Board of State Auditors, who are hereby authorized to investigate said claim, to hear testimony for and against it, and to make such final decision in the matter as to them shall seem

## RESOLUTIONS.

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just and equitable, and if they shall award any sum to the claimant, to make duplicate certificates thereof and file one with the Auditor General, and deliver the other to said claimant upon his executing the proper release to the state. And the Auditor General is hereby authorized and directed, upon the presentation to him of said claimants certificate, to draw his land scrip for the amount, not bearing interest, and the same shall be payable out of any internal improvement lands in this state not otherwise appropriated.

Approved February 15, 1845.

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### No. 9.

**JOINT RESOLUTION** authorizing the Secretary of State to furnish certain Documents to the Agent of the State Prison.

*Resolved, By the Senate and House of Representatives of the State of Michigan,* That the Secretary of State be and he is hereby authorized and directed to preserve annually for the use of the State Prison, and subject to the order of the Agent or Clerk thereof, one bound copy of each of the journals, documents and session laws hereafter published at the expense of the state, and one hundred copies of the annual reports of the Agent and Inspectors of said Prison.

Documents  
and session  
laws.

Approved February 20, 1845.

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### No. 10.

**JOINT RESOLUTION** relative to the Territory of Oregon.

*Resolved, By the Senate and House of Representatives of the State of Michigan,* That our Senators in Congress be instructed, and our Representatives be requested to use all honorable means to extend the jurisdiction and protection of the government and laws of the United States, in and over the Territory of Oregon, to induce the speedy settlement of the country by American citizens; and to terminate the joint occupancy thereof with the British government.

Instructions

*Resolved,* That his Excellency the Governor be requested to trans-

## RESOLUTIONS.

mit a copy of the foregoing to each of our Senators and Representatives in Congress.

Approved February 20, 1845.

## No. 11.

**JOINT RESOLUTION** authorizing the Acting Commissioner of Internal Improvement to let the contracts upon the Palmyra and Jacksonburgh Railroad and to complete the Central Railroad between Marshall and Kalamazoo.

Letting of  
contracts.

*Resolved, By the Senate and House of Representatives of the State of Michigan,* That for the purpose of renewing the superstructure of the Palmyra and Jacksonburgh Railroad, as contemplated in the act approved February 22d, 1845; and for completing the Central Railroad between Marshall and Kalamazoo, the Acting Commissioner of Internal Improvement, be and he is hereby authorized and required to advertise for the letting of the contracts for the purposes aforesaid, for the period of fifteen days only, and at the expiration of the fifteen days notice, that the said Acting Commissioner be and he is hereby authorized and directed to let said contracts pursuant to law, any act heretofore passed to the contrary notwithstanding.

Approved March 3d, 1845.

## No. 12.

**JOINT RESOLUTION** authorizing a settlement with John Monroe.

John Monroe.

*Resolved, By the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors, the Acting Commissioner of Internal Improvement, and Auditor General are hereby authorized and required to make a final settlement with John Monroe, on just and equitable terms, for any transaction between said John Monroe and the state, connected with the Central Railroad, and in case they shall award the said Monroe any sum, the Auditor General shall draw his warrant for the amount so awarded on the internal improvement fund, and the State Treasurer is hereby authorized to pay

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said award out of any money belonging to the Internal Improvement fund, not otherwise appropriated.

Approved March 8, 1845.

### No. 13.

#### JOINT RESOLUTION relating to the claim of Jacob Rhines.

*Resolved, By the Senate and House of Representatives of the State of Michigan,* That if any omission or error has occurred on the part of the State authorities, by which the right of appeal in the case of Jacob Rhines, of Sandstone, from the decision of the State appraisers to the Board of State Auditors has been prevented, that then, and in that case, the Board of State Auditors be and they are hereby authorized to entertain and settle the claim of said Jacob Rhines for damages by the Central Rail-road and the right of way for the same, as if no error had occurred; and for such sums as may be awarded to said Rhines, the Auditor General may issue a warrant upon the State Treasurer, payable from the internal improvement fund. Jacob Rhine's

Approved March 12, 1845.

### No. 14.

#### JOINT RESOLUTION relative to the improvement of the Harbors on the North-western Lakes.

*Whereas,* The protection of the commerce of the North-western Lakes, and the safety of the lives of its mariners—as well as the lives and property of the vast multitude that are annually exposed to the dangers incident to the same—is a duty clearly incumbent upon the general government;

*And whereas,* The construction of suitable harbors at all proper and feasible points, would be the most efficient means of affording such security and protection;

*And whereas,* In all former, as well as in the present contemplated appropriations by Congress, for the improvement of harbors on the North-western Lakes, no appropriation has been made, or is now

## RESOLUTIONS.

contemplated for the improvement of the harbor at the mouth of Galien river, on the eastern side of Lake Michigan, within the limits of this state ;

*And whereas*, The construction of a suitable harbor at the mouth of said Galien River, would involve a comparatively small expenditure by the general government ; therefore,

Instructions

Sec. 1. *Be it resolved, by the Senate and House of Representatives of the State of Michigan*, That our Senators in Congress be instructed, and our Representatives requested to use all proper means and efforts to secure a sufficient appropriation for the construction of a good and permanent harbor at the mouth of the Galien river.

Sec. 2. *Resolved*, That the Governor of the State be requested to forward copies of the above preamble and resolutions to each of our Senators and Representatives in Congress.

Approved March 19, 1815.

## No. 15.

### JOINT RESOLUTION authorizing a settlement with Thomas G. Davis.

*Resolved, by the Senate and House of Representatives of the State of Michigan*, That the Board of State Auditors be, and they are hereby authorized and required to make a just and equitable settlement with Thomas G. Davis, for damages sustained by him by reason of the States' failing to comply with two certain contracts, one for work on the Central Railroad, and one made by the agent of the State with said Davis to furnish at the Davison station, so called, six or seven hundred cords of wood ; and in case they shall award any sum to the said Davis, they are hereby authorized and required to certify the amount found to be due him to the Auditor General, who shall draw his warrant on the internal improvement fund for the amount so awarded ; said warrants shall be placed on the same footing as warrants drew previous to January 1813 ; and the State Treasurer is hereby authorized to pay said sum out of any money in the internal improvement fund not otherwise appropriated.

Approved March 19, 1815.

## No. 16.

**JOINT RESOLUTION** relative to the claim of School District number three in the Township of Kalamazoo.

*Resolved, By the Senate and House of Representatives of the State of Michigan,* That the Commissioner of the State Land Office, be and he is hereby instructed to investigate the claim of school district number three, in the township of Kalamazoo, in the county of Kalamazoo, to its share of money which had accrued from the rents of section number sixteen in the said township, in the year 1837, when the same was sold by the State, and he is hereby authorized to issue his certificate to the school director of the said district for any sum to which he may think it equitably entitled, which sum the State Treasurer is hereby directed to pay out of any money in the common school fund not otherwise appropriated.

Approved March 19, 1845.

## No. 17.

**JOINT RESOLUTION** authorizing the Commissioner of the State Land Office to convey certain Lands to Jeremiah Silver.

*Resolved, By the Senate and House of Representatives of the State of Michigan,* That the Commissioner of the State Land Office be, and he is hereby authorized and directed, on condition that Jeremiah Silver of Cass county, will surrender the certificate which he now holds for the south east quarter of section No. sixteen, in township number eight, south of range No. fifteen west, containing one hundred and sixty acres of land, to convey to him, the said Jeremiah Silver, by deed in the usual form, the north east fractional quarter of section No. sixteen, in township No. eight, south of range No. fifteen west, containing one hundred and seven acres and 50-100 of an acre of land, according to the returns of the Surveyor General, upon surrender of the certificate heretofore issued therefor.

Approved March 22, 1845.

## RESOLUTIONS.

## No. 18.

JOINT RESOLUTION relative to the claim of D.  
Ferguson, Jr.

*D. Ferguson's* *Resolved, By the Senate and House of Representatives of the State of Michigan,* That the State Treasurer be, and he hereby is authorized and directed to pay to D. Ferguson, junior, the sum of thirty-two dollars, out of any money in the treasury, not otherwise appropriated, it being in full for services rendered by said Ferguson in behalf of the state.

Approved March 22, 1845.

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## No. 19.

JOINT RESOLUTION relative to a settlement with E.  
Corning and Company.

*Settle claim* *Resolved, By the Senate and House of Representatives of the State of Michigan,* That the Board of Internal Improvement be, and they are hereby directed to settle and adjust the claim of E. Corning and Company, of Albany, for spike furnished for the railroads, and upon the surrender of warrants numbered two thousand three hundred and seven, and seven thousand three hundred and fifty-six, to said board, the amount thereof shall be payable out of the proceeds of the roads in the same manner as other contracts for spike.

Approved March 12, 1845.

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## No. 20.

JOINT RESOLUTION relative to the routes of the Central  
and Southern Railroads.

*B. of int. imp.* *Resolved, By the Senate and House of Representatives of the State of Michigan,* That the Board of Internal Improvement be and they hereby are instructed and authorized to have the routes of the Central Railroad from Kalamazoo to St. Joseph, and of the Southern Railroad from Hillsdale to Coldwater, surveyed and located, and a careful detailed estimate made of the cost of grubbing, grading, and build



## RESOLUTIONS.

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ding the same, and of procuring the right of way, and report to the next legislature.

*Resolved*, That there be, and hereby is appropriated a quantity of internal improvement lands absolutely necessary to defray the expenses of said survey and estimate.

Approved March 24, 1845.

### No. 22.

**JOINT RESOLUTION** relative to the powers conferred upon the board of auditors established to investigate certain claims, &c., under the act of March, eighteen hundred and forty-five.

*Resolved By the Senate and House of Representatives of the State of Michigan*, That in carrying into effect the provisions of an act to establish a board of auditors to investigate certain claims growing out of the sales of primary or common school University and internal improvement lands, &c., approved March, 1845, the board of auditors established thereby, shall upon satisfactory evidence of the justice of said claim or application, make an award in favor of such claimant or applicant of the lands claimed, or any part thereof, or of any other parcel of land belonging to the fund to be affected by said claim, the same being duly designated and described in said award; and upon the presentation of any such award, approved by the Governor, to the proper state officer, he is hereby authorized and required to execute to the claimant or applicant, his heirs or assigns a proper conveyance of the land so awarded, making all necessary entries thereof in the books of his office: *Provided*, That in those cases where said board cannot clearly determine upon the equity of the application, the said board may in their discretion report a statement of facts to the next legislature;

Duty of B.  
of auditors.

Approved, March 24, 1845.

## RESOLUTIONS.

## No. 22.

## JOINT RESOLUTION relative to the claim of Hicks and Company.

S. of int.  
imp.

*Resolved, By the Senate and House of Representatives of the State of Michigan,* That the Board of Internal Improvement be, and they are hereby authorized and required to pay out of the proceeds of the public works to Messrs. Hicks & Co., the amount legally due them for iron on a certain draft, dated New York, May 22, 1841 drawn by Robert Stuart, late Treasurer of this state, on the United States Bank, of the city of New York, for the sum of seventeen hundred and seven dollars and 27-100ths.

Approved March 24, 1845.

## No. 23.

## JOINT RESOLUTION granting to Joel P. Mann the right to construct a Mill-race or canal through certain University Lands.

Mill race.

*Resolved, By the Senate and House of Representatives of the State of Michigan,* That the Commissioner of the State Land Office be, and he hereby is authorized to re-lease and quit claim unto Joel P. Mann,, his heirs or assigns, a right of way along the banks of Nottawa Creek, across so much of section twenty-six, in township four south of range eight west, as may be necessary for a race or canal, to conduct the waters of said creek to the saw mill of said Joel P. Mann. the in township of Athens : *Provided,* Said commissioner shall be satisfied that the University fund will not be injured thereby.

Approved, March 24, 1845.

## No. 24.

## JOINT RESOLUTION relative to a settlement of the claim of A. F. Bolton and David Porter by the Board of State Auditors:

*Resolved, By the Senate and House of Representatives of the State of Michigan,* That the claim of Abner F. Bolton and David Porter,

contractors for building the cells in the State Penitentiary, be recommended to the Board of State Auditors, who are hereby empowered to settle the same upon just and equitable terms, and if they shall find any amount due said claimants, they are hereby authorized to certify the amount that shall be found due to them to the Auditor General, who shall draw his warrant on the State Prison fund for the amount awarded to them, and the State Treasurer is hereby authorized to pay said sum out of any money in the treasury to the credit of said fund, not otherwise appropriated.

Claim of  
Bolton and  
Porter.

Approved March 24, 1845.

### No. 25.

#### JOINT RESOLUTION relative to the distribution of the Session Laws, Journals, &c.

*Resolved, By the Senate and House of Representatives of the State of Michigan,* That the officers and members of the present legislature be, and they are hereby entitled each to one copy of the session laws, journals and documents of both houses, for the year one thousand eight hundred and forty-five, and that the Secretary of State is hereby required to forward the same to the county clerks of the several counties of this state, for each officer and member, so soon as the same shall be printed and ready.

Member entitled to documents.

Approved, March 24, 1845.

### No. 26.

#### JOINT RESOLUTION authorizing prisoners under criminal process within the county of Wayne, to be imprisoned in the jails of any of the adjoining counties:

*Be it resolved by the Senate and House of Representatives of the State of Michigan,* That the keeper of the common jail in the county of Wayne be authorized to commit prisoners in his custody under criminal process, to the jail of any of the adjoining counties, during the progress of the repairs and other work upon the jail of the said county of Wayne, provided for by an act entitled "an act to provide

Prisoners may be confined.

## RESOLUTIONS.

for repairing the jail in the county of Wayne," approved February 15, 1845.

*Duty of Jailor.* And it shall be the duty of the jailor of any such adjoining county to receive into and detain in his custody until discharged by due course of law, any prisoner so as aforesaid committed: *Provided, however,* That the jailor of said county of Wayne, on committing any prisoner as aforesaid, shall deliver to the jailor of the adjoining county, in which such prisoner shall be committed, a copy of the process by virtue of which such prisoner is held in custody: *And provided further,* That the county of Wayne shall pay all expenses necessarily incurred in keeping of such prisoners or otherwise under this resolution.

Approved March 24, 1845.

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### No. 27.

#### JOINT RESOLUTION of instruction relative to an Indian Treaty.

*Resolved, By the Senate and House of Representatives of the State of Michigan,* That the state of Michigan, in her sovereign right, has plenary jurisdiction over every portion of territory, (not especially ceded away,) within her acknowledged limits, to which the Indian title has been extinguished.

*Resolved further,* That our Senators in Congress be instructed, and our Representatives requested, to use their efforts in procuring *Instructions* the passage of a law, terminating the assertion of jurisdiction by the general government, under the provisions of a certain treaty concluded with the Chippewa Indians on the 4th day of October, 1842 and subsequently ratified by the Senate of the United States.

*Resolved,* That the Governor be requested to transmit copies of the foregoing resolutions to each of our Senators and Representatives in Congress.

Approved March 24, 1845.

## RESOLUTIONS.

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### No. 28.

**JOINT RESOLUTION** authorizing the Governor to direct the removal of a certain Steam Engine, &c, to the State Prison at Jackson.

*Resolved, By the Senate and House of Representatives of the State of Michigan,* That the Governor be authorized to direct the removal of the engine, machinery, fixtures and materials used in boring for salt on the Tittibawassee river, to the State Prison at Jackson, and that the "Salt Spring fund" be credited with the same at the original cost, and the amount debited to the State Prison, with the cost of the removal.

Authority  
of Gov'r.

Approved March 24, 1845.

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### No. 29.

**JOINT RESOLUTION** relative to printing the revision of the statutes.

*Resolved By the Senate and House of Representatives of the State of Michigan,* That the commissioner appointed to revise the statutes of this state, be authorized and required to cause to be printed in bill form, the revision, and that a number sufficient for the use of both branches of the legislature at its next session be made up in book form, with proper marginal notes and references for the use of the members.

R. Statutes  
to be printed  
in bill form.

Approved March 24, 1845.

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### No. 30.

**JOINT RESOLUTION** to encourage emigration into this State.

*Resolved, By the Senate and House of Representatives of the State of Michigan,* That the Governor be, and he is hereby authorized and empowered, to appoint some suitable and proper person, agent for this state to reside in the city of New York from the 1st day of April next until the 30th day of November thereafter, and whose duty it

Agent.

## RESOLUTIONS.

shall be to encourage emigration into the state and travel on our public railroads, under such advice or direction as the Governor may from time to time deem proper to give, and for the purpose of defraying the necessary expenses of such agency, the Governor is hereby authorized to draw upon the contingent fund for any sum or sums of money, not exceeding, in all, seven hundred dollars.

Approved March 24, 1845.

## APPENDIX.

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# APPENDIX.

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## STATE TREASURER'S REPORT.

STATE TREASURER'S OFFICE, }  
Detroit, December 2d, 1844. }

*To the Legislature of the State of Michigan :*

In obedience to the provisions of law, requiring the State Treasurer to lay before the legislature at each annual session, a summary of the receipts and expenditures for the preceding fiscal year, and a statement of the balance of cash on hand at its close, I have the honor to submit the following report :

An abstract of the receipts and disbursements, and a statement showing the balance of cash on hand, are given in schedule A.—Schedule B. gives the several ledger balances on the books of this office on the 30th ult. ; and in schedule C., is given a statement of the amount of outstanding warrants on the several funds at the same time. In schedule D, is exhibited a comparison of the ledger balances on the books of this office with the balances on the books of the Auditor General, showing their agreement, when the outstanding warrants on the several funds are taken into account.

In addition to the ordinary disbursements for the current annual expenses of the State Government, which have all, or nearly all, been regularly and promptly met during the last fiscal year, as they severally fell due, there has been paid from the accruing receipts

to the credit of the general fund, several items of prior State indebtedness, amounting in the aggregate to upwards of fifty-five thousand dollars, all of which was bearing an interest of seven per cent. against the State. The delinquent tax State stock, originally amounting to \$31,000, and which was reduced the previous fiscal year to \$27,000 has the past year been reduced to \$15,000. The amount of outstanding warrants on the general fund has been reduced from \$24,330 78 to \$5,461 68; and the tax bonds issued to counties, from \$37,123 67 to \$12,591. Of the \$40,000 of treasury notes destroyed during the last fiscal year, much the largest portion was derived from receipts on account of the general fund, most of the payments to the sinking fund from the proceeds of the public works, having been made in warrants drawn in favor of engineers and appraisers, and paid from the proceeds of the several works under authority of a joint resolution of March 6th, 1843.

It is thus satisfactory to ascertain, as the experience of the last two or three years has demonstrated, that the light State tax of two mills on the dollar, which is all that has been levied for the last three years, and which has hitherto fallen considerably short of \$60,000, in the aggregate for any one year, has been found sufficient, not only to meet the current State expenses, but with the other ordinary receipts to the credit of the general fund, to extinguish a large amount of State indebtedness, outstanding in the form of State stocks, tax bonds to counties, and warrants on the general fund, besides contributing to absorb the largest proportion of the treasury notes of 1841, which have been cancelled and destroyed. The only known demands on the general fund for the past year, which have not been met, are for interest on some general fund stock held by the U. S. War Department, and for the July last interest on a portion of the penitentiary stock, the coupons on neither of which have been presented for payment.

As it is to be hoped that during the course of the present fiscal year sufficient means will accrue to take up all the remaining outstanding general fund warrants, and the holders of many of them will be unknown at this office, it is respectfully asked of the legislature to invest this department with authority, which is not possessed at present, to stop interest on all or any portion of them, after giving two or

more weeks' notice in the State paper, that such warrants will be paid in specie or its equivalent on presentation. And in the event of those warrants being all, or nearly all, redeemed, and funds should accrue some time between January and July, or between next July and the following January, which it would be proper to apply to the redemption of the outstanding tax stock, or county tax bonds, it is respectfully submitted also, whether it would not be justly due to the holders, that authority should be given to allow interest for such time after the last half years' interest fell due, as might intervene up to the time of redeeming the principal, or giving notice that funds were on hand for their redemption.

The par funds received to the credit of the principal of the primary school and University funds, amounting to \$6,000, have been applied as required by act No. 106, laws of 1840, to the extinguishment to that extent of a debt due Thomas Beals, for monies advanced on account of those funds.

The interest due on the University stock for January and July last, was remitted to New York in the month of May, about the same time that it had also been for the two previous years. It is found impossible to meet the January interest of each year, as it falls due, without authority to use other funds for that purpose, or without keeping on hand some three thousand dollars of University interest monies for eight or nine months. Almost the entire receipts to the credit of the University interest fund are received in March and April; and unless money received at that time of the previous year is retained on hand until the succeeding January, the January interest must be allowed to pass over until April or May. The latter course has therefore been followed for the last three years, and as the July interest is paid at the same time as that of January, the delay on one half year's interest is about balanced by the advance in meeting the other, before it strictly falls due; and no complaints have been made as to the arrangement by any one of the holders of the stock.

Under the provisions of acts No. 20 and 83, of last session, the University interest fund has been relieved from the payment of interest on the \$100,000 loan to the University, to the amount of \$1,432 80; transfers to that extent having been made from the sinking fund, on account of treasury notes and warrants received to the

credit of the principal of the fund, and for purchase money of the building in this city, bought of the regents for state offices. As there had been received at the end of the fiscal year just closed, in treasury notes, warrants &c., to the credit of the principal of the University fund the sum of \$39,212 48, and the University interest fund will be entitled to a credit quarterly for the interest on this amount and on what further sums may be paid in as principal under the provisions of the acts above mentioned, the other sources of revenue to the University will be relieved from meeting during the ensuing fiscal year, two-fifths or more of the \$6,000 of annual interest on the University stock.

The second section of the act of February 21st, 1843, making appropriations on the Central and Southern Railroads, pledged so much of the net proceeds of those roads, after the iron for the completion of the former to Marshall, and of the latter to Hillsdale should have been paid for, as might be necessary for the payment of interest then accrued on all outstanding internal improvement warrants drawn prior to that date, and for the payment of interest on said warrants annually thereafter, so long as the principal of the same may remain unpaid. It is to be expected that during the current fiscal year, the payments for the railroad iron purchased under the provisions of the above mentioned act, will have been completed; and it is therefore hoped that sufficient net proceeds from these works will be paid into the State Treasury next summer, or early next fall, to meet the back interest on the above warrants, as the state must rely mainly, if not entirely, on the surplus receipts of these roads not only for the payment of interest on these warrants, but also to meet by the first of January, 1846, upwards of \$50,000 of interest then falling due on the first sold portion of her internal improvement bonds—and which, in case of a settlement being had prior to that time in regard to the remaining five million loan bonds, which had been partially paid for, and were hypothecated by the late United States Bank, is liable to be increased to ninety thousand dollars or upwards.

The attention of the legislature is however directed to this matter at present, solely for the purpose of suggesting the propriety of some further legislation to enable the interest on those warrants to be paid more conveniently to the several holders, and at a great saving to

the state, in the time and labor that would necessarily be consumed in the office of the Auditor General, without some further provision of law, than now exists, to regulate and facilitate the payment.— Without further legislation, the amount of interest due would have to be cast and payment of the same endorsed on each warrant, and a receipt for the interest on each warrant or parcels of warrants made out and signed by the holder, to be filed in the Auditor's office as a voucher for each warrant drawn for interest. The number of these payments in each year would be so great, that the time occupied in preparing the vouchers and making out the warrants, would probably be equal to that of one clerk, for several months. To say nothing of the almost total impracticability of making the proper endorsements on many of the warrants, which have become so mutilated and defaced as to be altogether unfit for any fair or legible writing, or of the insecurity of relying upon such endorsements for the amount of interest due, without searching in each case through a large and continually increasing file of vouchers, it is respectfully submitted that if interest is to be paid annually upon those warrants, as guaranteed in the above mentioned act of 1843, the only safe and regular mode of accomplishing it, would be by funding them as a state stock, in bonds of one thousand dollars each, as far as practicable, with an issue of some smaller bonds of one or more hundred dollars, for fractions or small amounts; to all of which bonds would be attached of course coupons for each year's interest, as it would fall due, until the principal was made payable. This, it is believed, would be satisfactory to a large majority, and most probably so to all the holders of those warrants, as well as be a matter of economy, and safety on the part of the State.

In any law passed, provided for funding the warrants specified in the aforesaid act of Feb. 21, 1843, there should be some discretion left with the officers authorized to issue the bonds, to include more or less of the back interest as principal in the bonds, both with a view of avoiding the necessity of issuing any bonds for fractional dollars and cents; and also, if acceptable to the holders, to avoid throwing the burden of from two to four years back interest upon the income or proceeds of the public works for the ensuing year, when they will in all likelihood be least able to bear it. It is perhaps hardly necessary to

add, that the bonds and coupons, so far as the latter shall be due or past due, should be made receivable for public lands of the state, and in payment of such debts, as the warrants themselves are now receivable for.

The amount of warrants on the internal improvement fund drawn prior to February 21, 1843, has been ascertained by an examination for that purpose, to be about \$239,000 ; and the interest due on them by next September or October, would probably average about three years, which, on the amount now outstanding would be equal to about fifty thousand dollars. If it can be safely estimated that the nett proceeds of the Central and Southern Railroads, for the ensuing year, will be sufficient after paying off their indebtedness for iron and other materials, to meet that amount of interest on those warrants, and also the interest that will fall due on our internal improvement stock in January, 1846, then it would seem to be advisable to pay up as much as possible of the back interest on warrants at that time ; but if there should be any deficiency apprehended, there is no doubt that a large majority of the holders of those warrants would be perfectly willing to have the greatest portion of the back interest funded together with the principal. The first of September or October is suggested as the most appropriate time to make the annual interest on those warrants or bonds payable, as that would be an intermediate time between the periods, when the interest on the five million loan bonds would be payable, and would make the interest on the warrants fall also upon that half of the year, when the proceeds of our public works will always be much the largest.

All of which is respectfully submitted.

JOHN J. ADAM,  
*State Treasurer.*

## (A.)

*Abstract of Receipts and Expenditures for the fiscal year, Dec. 1st, 1843, to Nov. 30th, 1844, inclusive.*

*Receipts.*

General fund,	\$190,488 08
Redemption account,	8,159 89
Internal Improvement fund,	107,200 32
Sinking fund,	25,439 17
State building fund,	774 40
Primary school fund,	19,784 66
Primary school interest fund,	20,989 41
University fund,	24,727 01
University interest fund,	8,270 72
Total receipts,	<u>\$405,824 66</u>

*Expenditures.*

General fund,	\$221,893 02
Redemption account,	6,101 39
Contingent fund,	753 93
Internal Improvement fund,	136,151 09
Sinking fund,	48 73
State building fund,	2,219 79
Primary school fund,	6,230 89
Primary school interest fund,	28,617 40
University fund,	93 89
University interest fund,	9,763 63
Treasury notes,	40,000 00
Treasury notes' interest,	3,315 43
Total disbursements,	<u>\$455,189 24</u>

1844.	Cash.	DR.
To balance, Nov. 30th, 1843,		\$85,789 55
“ receipts during fiscal year ending Nov. 30, 1844,		405,824 66
		<u>\$491,614 21</u>

1844.	Cash.	CR.
By warrants paid, treasury notes cancelled, &c., Dec.		
1st, 1843, to Nov. 30th, 1844,		\$455,189 24
" balance on hand,		36,424 97
		<u>\$491,614 21</u>

## (B.)

*Ledger balances on State Treasurer's books, November 30th, 1844.*

## DR.

Cash,	\$36,424 97
Internal Improvement fund,	207,957 27
Treasury notes' interest,	13,638 65
Primary school interest fund,	329 86
University interest fund,	172 34
	<u>\$258,523 09</u>

## CR.

General fund,	\$76,896 31
Redemption account,	2,572 00
Contingent fund,	692 91
Library fund,	3,078 34
Primary school fund,	54,799 00
University fund,	39,212 48
State building fund,	1,282 05
Treasury notes,	80,000 00
	<u>\$258,523 09</u>

## [C.]

*Warrants outstanding November 30th, 1844.*

Internal Improvement fund,	\$520,457 55
General fund,	\$5,461 68
Contingent fund,	250 00
Redemption account,	14 51
Primary school fund,	3,000 00
	<u>8,726 19</u>
	<u>\$529,183 74</u>



## [D.]

*Comparison of Ledger Balances on Auditor General's and State Treasurer's Books.*

The balance charged on Auditor's books on the 30th ult., as being in hands of Treasurer, was \$27,693 78

Add for outstanding warrants, other than on the internal improvement fund, 9,726 10

Shows balance in hands of Treasur to be \$36,424 97

Which balance consists of Treasury

notes hypothecated, \$16,000 00

Treasury notes & coupons, &c. on hand, 12,057 00

Coin, bank notes, checks, &c., 8,367 97

\$36,424 97

Internal Improvement fund, debit balance on Auditor's books, \$728,414 82

Deduct from this overdraft, amount outstanding warrants on that fund, 520,457 55

Leaves amt'n overdrawn on Treasurer's books, \$207,957 27

General fund, credit balances on Auditor's books, \$71,424 63

Add warrants outstanding on this fund, 5,461 68

Makes credit balance on Treasurer's books, \$76,886 31

Contingent fund, credit balance on Auditor's books, \$442 91

Add outstanding warrants on this fund, 250 00

Makes credit balance on Treasurer's books, \$692 91

Redemption account, credit balance on Auditor's books, \$2,557 40

Add for outstanding warrant, 14 51

Makes balance on Treasurer's books, \$2,572 00

Primary school fund, credit balance on Auditor's books,	\$54,879 00
Add warrant outstanding on this fund,	3,000 00
	<hr/>
Would make balance, as on Treasurer's books,	<u>\$51,779 00</u>

There being no outstanding warrants on the other funds, the balances agree on both books ; and the outstanding land warrants, being drawn upon the Commissioner of the Land Office, and not upon the State Treasury, do not affect the accounts with any of the funds on the Treasurer's books.

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**THE LEGISLATURE**  
**OF THE**  
**STATE OF MICHIGAN,**  
**PASSED AT THE ANNUAL SESSION OF 1846:**  
**WITH AN**  
**APPENDIX,**  
**CONTAINING THE TREASURER'S ANNUAL REPORT.**

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**BY AUTHORITY.**

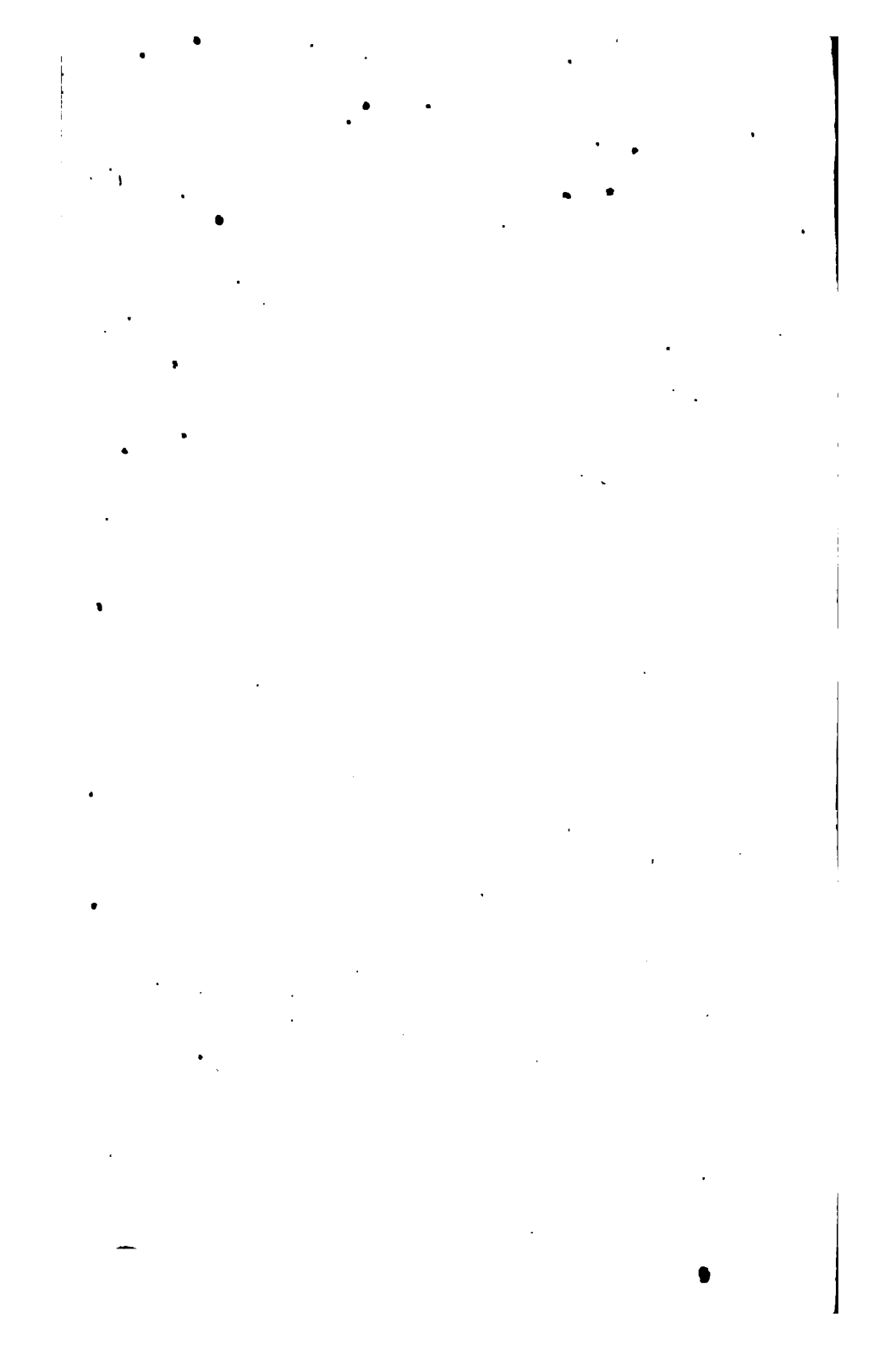
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**DETROIT:**  
**BAGG & HARMON, PRINTERS TO THE STATE.**

**1846.**



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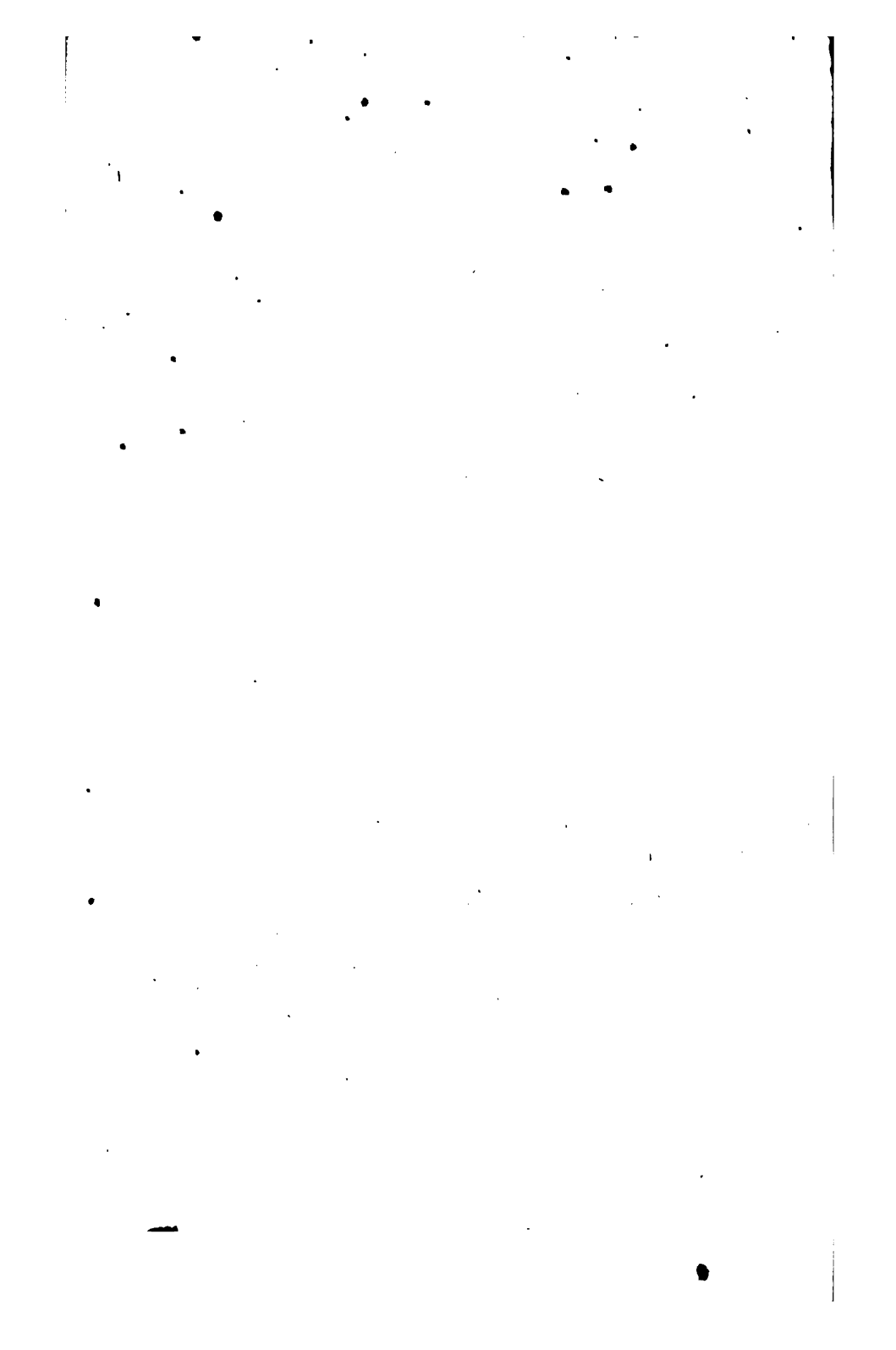
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**Appropriation.** appropriated, to be paid out of the Treasury to Lewis E. Bailey, the sum of fifty dollars, and interest thereon at the rate of six per cent. per annum, since the first day of January, in the year one thousand eight hundred and thirty-six, in full compensation for a horse lost in the service of the state, in defending the supremacy of the laws.

**Auditor to draw warrant.** Sec. 2. That the Auditor General be and he is hereby authorized and directed to draw his warrant on the Treasurer, payable out of the general fund in any monies not otherwise appropriated, to the said Lewis E. Bailey, for the said sum of fifty dollars with interest thereon as aforesaid.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved January 30, 1846.

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No. 8.

AN ACT to incorporate the Adrian Seminary.

**Incorporation.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Parley J. Spalding, Alfred W. Budlong, William Wolcott, Theodore D. Billings, James J. Newell, Charles R. Watson, Daniel D. Sinclair, Harry Wood and Francis J. King, together with such other persons as may be associated with, and may become stockholders of the incorporation hereby created, shall be, and they are hereby constituted and declared a body corporate and politic, by the name and style of the "Adrian Seminary," and in their corporate name may sue and be sued, defend and be defended in all courts of this state; may have a common seal which they may renew or change at pleasure; and shall have, enjoy and exercise all the powers, rights and privileges which appertain to corporate bodies, for the purposes expressed in this act.

**Capital stock.** Sec. 2. The capital stock of the said corporation shall not exceed the sum of ten thousand dollars, and shall be divided into shares of ten dollars each.

**Powers.** Sec. 3. The said corporation hereby created shall be capable in law of acquiring and holding by purchase, gift, grant, devise, bequest or otherwise, and of selling and conveying or leasing any estate, real,

personal or mixed, for the purposes mentioned in this act and none other; and the trustees thereof and their successors in office, shall have full power to make and enter into contracts, to establish such rules and bye-laws as they may deem necessary for the good government of the said seminary, and for the holding and disposing of its property and effects for the purposes mentioned in this act, not inconsistent with the constitution and laws of this state: *Provided,* That the amount of property held and owned by such corporation shall never exceed the sum of ten thousand dollars.

Sec. 4. There shall be nine trustees of the said corporation who shall be stockholders thereof, and who shall manage and control all the affairs of the same, maintaining perpetual succession, three of whom shall be elected at the annual meeting in each year, to fill the vacancy of a like number, whose term of office shall expire upon the election of their successors; and the persons named in the first section of this act shall be the first trustees; and the said nine trustees shall, at their first meeting proceed to cast lots for the terms of one, two and three years, by drawing numbers, and the three persons who shall draw the three highest numbers, shall hold their office for the term of three years from and after the first day of January, A. D. one thousand eight hundred and forty-six; and the three persons who shall draw the next three highest numbers shall hold their office for the term of two years from and after the first day of January, A. D. one thousand eight hundred and forty-six, and the remaining three persons shall hold their office for the term of one year from and after the first day of January, A. D. one thousand eight hundred and forty-six. *Trustees—their powers.*

Sec. 5. There shall be a meeting of the stockholders of said corporation on the first Monday of January, A. D. one thousand eight hundred and forty-seven, and on the first Monday in January in every succeeding year, at some convenient place in the village of Adrian, to be designated by the bye-laws of said corporation; and a majority of the stockholders who shall meet in person or by proxy, shall elect three of the stockholders to be trustees in the place of those whose term may expire, each person being entitled to one vote for each share he may hold in his own right or by proxy. *Meeting of stockholders*

Sec. 6. The said trustees shall have power to choose from their own number a president, treasurer and secretary, who shall hold their *Trustees to choose officers.*

offices during the pleasure of the said trustees, and in case any of the trustees shall die, resign, refuse or neglect to act, the remaining trustees may, within thirty days after any such vacancy shall occur, elect by ballot other trustees of stockholders of said corporation, to fill such vacancy.

Sec. 7. The said trustees are authorized to receive subscriptions for shares to the capital stock of said corporation, and such shares shall be assignable and transferable agreeably to such by-laws as the said trustees shall from time to time establish, and shall in law be considered personal property.

Institution  
established  
at Adrian.

Sec. 8. The said trustees are hereby empowered and authorized to establish in the township of Adrian, in the county of Lenawee, an institution for the instruction of young persons in the various branches of literature, science and the arts, and shall faithfully apply the funds by them from time to time received under the provisions of this act, in providing suitable buildings, employing professors and teachers, procuring books, maps, philosophical and other apparatus, necessary to insure a successful prosecution of study in said institution.

Liability.

Sec. 9. In the collection of debts against said corporation, if corporate property cannot be found sufficient to satisfy any execution issued against it, the trustees shall be liable as partners in trade, for any debt created by them whilst trustees in behalf of said corporation; and if such debts cannot be collected from the corporate property of said institution or the property of the trustees as aforesaid, then each stockholder shall be individually liable therefor.

List of trustees,  
&c.

Sec. 10. The said trustees shall, at least ten days previous to each annual election of trustees as aforesaid, cause a list of the names of all the trustees and stockholders of said corporation, together with a statement of the amount of stock owned by each, duly authenticated by affidavit, to be filed in the office of the county clerk of the county of Lenawee; and the said list and statement shall be prima facie evidence that the individuals therein named are the trustees and stockholders of said corporation, and that the statement of the stock is the amount owned by each individual respectively.

Subject to  
visitation.

Sec. 11. That said seminary shall be subject to the annual visitation of the Superintendent of Public Instruction, and the trustees of said seminary shall annually, on or before the twentieth day of Octo-



## LAWS OF MICHIGAN.

ber in each year, make to said Superintendent a full report of the literary and pecuniary condition of said seminary.

Sec. 12. This act shall be under the control of any future legislature to alter, amend or repeal, as the public good may require.

Approved January 30, 1846.

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### No. 9.

#### AN ACT to change the name of Elvira Herrick.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That from and after the passage of this act, it shall and may be lawful for Elvira Herrick to take and assume the name of Elvira Rathbun, and by that name she shall hereafter be known and designated: *Provided*, no suit or other proceeding shall abate or be in any wise affected by such change, except that such change shall be suggested and entered of record in any legal proceeding now pending.

Approved February 2, 1846.

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### No. 10.

#### AN ACT to secure to Stephen J. Morse the right of Pre-emption to certain School Lands.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Stephen J. Morse be entitled to purchase at the State Land Office, the south east fractional quarter of section six in township six south, of range seven east, at the minimum price established by law for land of the United States, within one year from the passage of this act: *Provided*, evidence be furnished satisfactory to the Commissioner of the Land Office, within the time aforesaid, that the said Morse was in actual possession thereof, and had made improvements thereon, with the intention of securing a pre-emption right, by virtue of the laws of Congress at the time said land was selected by the state: And provided that he would have been entitled to the pre-emption right thereto, if such selection had not been made.

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**Sec. 2.** The Commissioner of the Land Office is hereby authorized and directed to carry out the provisions of this act.

Approved February 5, 1846.

## No. 11.

**AN ACT** to provide for the re-assessment of certain taxes of eighteen hundred and forty-three, in the townships of Ottawa and Norton, in Ottawa county.

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the Supervisors of the county of Ottawa be, and they are hereby empowered to re-assess the taxes of eighteen hundred and forty-three upon the townships of Ottawa and Norton, in said county, in the manner and under the same limitations and restrictions as if the same had been returned to the office of the Auditor General and there rejected for informality; *Provided,* That the said re-assessments upon the townships of Ottawa and Norton, shall conform as far as practicable with the respective assessment rolls of 1843, made for the aforesaid townships of Ottawa and Norton; and, that it shall distinctly appear to the Board of Supervisors of the county of Ottawa, that the taxes assessed upon the townships of Ottawa and Norton aforesaid for the year eighteen hundred and forty-three have not been collected and returned according to law.

Approved February 10, 1846.

## No. 12.

**AN ACT** to amend an act entitled "an act to amend an act providing for the final adjustment of all unsettled claims for damages growing out of the internal improvements of the state."

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section two, of an act entitled "an act to amend an act providing for the final adjustment of all unsettled claims for damages growing out of the internal improvements of the state," be so amended as to read as follows:

**Sec. 2.** Every person who did not present his claim to, or whose claim was not adjusted by the board of state auditors before the twen-

tieth day of February, one thousand eight hundred and forty-five, may present the same to the board of state auditors for final adjustment at any time within one year from and after the passage of this act.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved February 12, 1846.

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No. 13.

AN ACT to incorporate the Clinton Institute.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That from and after the passage of this act, Ebenezer Hall, Thomas M. Perry, Henry M. Dodge, Aaron G. Parke, Joseph Cole, Chester Spalding, Harlehigh Cartter, Pliny Power, and Morton Shearer of the county of Macomb, and their successors be and they are hereby constituted, ordained and declared a body corporate and politic under the name and style of "The Clinton Institute," that by that name they and their successors shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered, defending, and being defended in all courts of record whatever, and in all manner of suits, actions, complaints, matters and causes whatever; and that they and their successors may have a common seal, and change and alter the same at their pleasure, and that they and their successors by the name of "The Clinton Institute," shall be in law capable of acquiring and holding by purchase, gift or otherwise, and of selling, conveying or leasing any estate, real, personal or mixed, for the use of said corporation, not exceeding ten thousand dollars; and that they and their successors shall have full power to make and enter into contracts, to make such rules and by-laws as they may deem necessary for the good government and prosperity of said institution: *Provided*, such by-laws are not inconsistent with the constitution and laws of the United States or of this state. Incorporation.

Sec. 2. Said corporation shall have power to establish at or near the village of Mount Clemens, in the county of Macomb, an institution for the instruction and education of young persons.

First trustees,

Sec. 3. There shall be nine trustees of the said corporation, who shall be stockholders thereof, and who shall manage and control all the affairs of the same, and the above named persons shall be the first trustees, and shall hold their offices until the first Monday in July, one thousand eight hundred and forty-six, and until others are elected in their places; and they or their successors shall have power to fill all vacancies in their own body, which may happen by death, resignation, or otherwise, to appoint a president, secretary and treasurer of their own body, and to prescribe such studies and regulations in said institution as to them shall seem best.

Annual meeting of stockholders

Sec. 4. There shall be a meeting of the stockholders of said corporation on the first Monday in July, one thousand eight hundred and forty-six, and on the first Monday in July in every succeeding year, at some convenient place in the village of Mount Clemens, to be designated by the by-laws of said corporation; and a majority of the stockholders who shall meet in person or by proxy, shall elect nine of the stockholders to be trustees of said corporation for the year then next ensuing; and until others are elected in their places, each share of stock entitling the stockholder to one vote, either personally or by proxy.

Capital stock.

Sec. 5. The capital stock of said company shall be ten thousand dollars, in shares of ten dollars each, and the trustees are hereby authorized to receive subscriptions thereto, at such times and places as they or a majority of them shall designate, said shares to be assignable and transferable agreeably to such by-laws as the trustees may from time to time establish, and shall in law be considered personal property.

Liability of trustees.

Sec. 6. The trustees of said corporation shall be jointly and severally liable for all debts of the said corporation: Provided, that no execution shall issue against the individual property of said trustees until the property of the corporation shall first have been exhausted: *And provided further*, that any trustee resigning, shall not thereby be released from any liability accrued during the period which he was in office, until a responsible successor shall be appointed and enter upon the discharge of his duties.

Trustees report.

Sec. 7. The board of trustees shall cause to be transmitted to the superintendent of public instruction, annually, on or before the tenth

day of November, a full statement of the condition of the institute.

Sec. 8. This act may be amended or repealed at any time by a vote of two-thirds of any future legislature.

Approved February 12, 1846.

No. 14.

**AN ACT to provide for the sale of certain unsold State Tax Lands, and for other purposes.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That any person or persons may purchase any unsold or unredeemed state tax lands which may have been once offered for sale, upon application therefor at the office of the Auditor General, and upon paying to the State Treasurer, on the certificate of the Auditor General, the minimum price established by law, with interest thereon, from the time said lands were so offered for sale to the day of making such application and payment, at the rate of ten per centum per annum.

Lands may be purchased of Aud. General.

Sec. 2. Upon application and payment being made as above provided, the Auditor General shall execute to the purchaser or his assigns, a deed conveying the rights acquired by the state in virtue of the original sale or sales to the state, with the same effect and subject to like limitations and restrictions as are now, or may hereafter be provided by law, in reference to deeds for state tax lands, purchased at public sale.

Execution of deeds.

Sec. 3. The state tax lands lying in towns six, seven, eight and nine, north of range eight east, in the county of Genesee, having been offered for sale in October last, at the county site of Lapeer county; the purchaser, thereof shall be entitled to deeds for the lands then severally purchased by them, in the same manner and with the like effect as if the same had been offered for sale at the county site of Genesee county: *Provided*, That if application for such deeds shall not be made prior to the first day of October next, then said lands shall be sube (sale or redemption in the same manner as other unsold state tax lands.

Lands in Genesee sold in Lapeer.

Sec. 4. When any single description of state tax lands shall be

Money to be  
refunded  
purchaser.

sold for the taxes of two or more years, and it shall be made to appear to the Auditor General within the time prescribed by law, that the taxes for any year for which the same was originally bid off to the state, were paid before sale or were illegally assessed, or would be void for any other cause, he shall, on application, cause to be refunded to the purchaser, the amount due and paid on account of said year's tax, with interest at the rate of seven per cent. from the day of sale, until said purchaser was notified that said amount would be refunded; but the deed shall remain a valid conveyance to the purchaser of all the rights acquired by the state under the sale or sales for taxes of other years, not thus proved to have been illegal or void.

Redemption

Sec. 5. Whenever any unsold state tax lands shall have been sold to individuals for the taxes of any year subsequent to that for which they were bid off to the state, it shall be the duty of the State Treasurer and Auditor General to redeem the same from such sale to individuals, if in their opinion the interest of the state would be promoted thereby.

Lands may  
be re-offered  
for sale.

Sec. 6. All unsold state tax lands, remaining unredeemed or not otherwise disposed of according to law, may be re-offered at public sale at the annual tax sales in October of each year, by the treasurers of the several counties, under the direction of the Auditor General, but without incurring any additional expense in regard to said lands, other than causing to be published a general notice of the time and place of such sale.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved February 17, 1846.

### No. 15.

AN ACT authorizing the Auditor General to settle with and allow to the county of Hillsdale certain monies paid by said county on account of Wolf bounties.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Auditor General is hereby authorized and required to pay to the county of Hillsdale, or credit the same in his account with said county, such sum as he shall find

due and heretofore allowed and paid by said county as the state bounty for the destruction of wolves from the year eighteen hundred and forty to the year eighteen hundred and forty-four, inclusive: *Provided* he shall first be satisfied that the same has been duly paid by said county: *And provided further*, there shall be no other legal objections than a neglect to make duplicate certificates of the bounties allowed at the several meetings of the county commissioners or supervisors, and of having the same duly certified by the chairman and clerk of said several boards at each meeting thereof, and of forwarding the same to the Auditor General.

Approved February 17, 1846.

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No. 16.

AN ACT explanatory of section forty-one, chapter four, title six, part first of the Revised Statutes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section forty-one, chapter four, title six, part first, of the revised statutes, shall be explained and construed to signify and mean that every public highway already laid out of which any part shall have been opened and worked within four years from the time of its being so laid out; and every such highway hereafter to be laid out, of which any part shall be opened and worked within the like period, shall be deemed and taken to be a lawful public highway, for the entire distance between the points of termination as designated by the commissioners in laying out the same. Rev Stat explained.

Approved February 17, 1846.

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No. 17.

AN ACT to authorize William H. Cross and Seth C. Hanchett to erect a dam across the St. Joseph River, in the county of St. Joseph.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be lawful for William H. Cross and Seth C. Hanchett, their heirs or assigns, and they are hereby authorized to erect and maintain a dam, not exceeding May erect a dam.

five feet in height above common low water marks, across the St. Joseph River, on the south west quarter of section twenty-nine, township five south, range nine west, in the county of St. Joseph: *Provided*, That a convenient lock of not less than one hundred and twenty feet in length and twenty-four feet in width shall therein or therewith be constructed and kept in repair for the passage of boats, arks, rafts and other water craft, navigating the said river: And *Provided further*, that such water craft shall be suffered to pass free from toll of any kind, during the continuance of said dam.

Trespass.

Sec. 2. Any person who shall destroy or otherwise injure said dam shall be deemed to have committed a trespass on the owners thereof, and shall be liable accordingly; but nothing in this act contained shall be construed to affect the rights of individuals who may be injured by reason of the erection or continuing said dam.

When no damages shall be recovered.

Sec. 3. If at any time hereafter, the waters should be required to be drawn from said river for the purposes of internal improvement or navigation, it shall not be lawful for the said William H. Cross and Seth C. Hanchett, or any person or persons owning or interested in said dam, to claim or recover any damages therefor.

May be repealed.

Sec. 4. The legislature of this state may, at any time hereafter, alter, amend or repeal this act.

Approved February 17, 1846.

### No. 18.

AN ACT to provide for the erection of County Buildings in the county of Livingston.

County buildings.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Board of Supervisors of the county of Livingston, and their successors in office, be and they are hereby authorized and empowered to erect county buildings for the use of said county.

May levy tax.

Sec. 2. For the purpose of carrying into effect the provisions of this act, the said Board of Supervisors is authorized to levy upon the taxable property of said county, from time to time, such sum as they may deem necessary, not exceeding three thousand dollars in any one year, any law to the contrary notwithstanding.



Sec. 3. This act shall take effect from and after the second Monday of April next.

Approved February 18, 1846.

No. 19.

AN ACT to incorporate the Adrian Lyceum and Benevolent Association,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Parley J. Spalding, Alfred W. Budlong, Elihue L. Clark, Frederick W. Macy, Jesse Treadwell, John Barber, Ahira G. Eastman, Fernando C. Beaman and Daniel D. Sinclair, and all persons who may hereafter become associated with them, are hereby, under the provisions of this act, created a body corporate by the name of the Adrian Lyceum and Benevolent Association, and by that name shall have succession, and be capable of taking and holding by gift or grant, or of purchasing, holding and conveying by sale, lease or otherwise, any estate, real and personal, necessary for the purpose of said corporation, not at any time exceeding in value the sum of twenty thousand dollars. Incorporation.

Sec. 2. The said association is hereby authorized to purchase a site, and to erect thereon a convenient edifice for the accommodation of a library, reading room and apartments for natural history, science and the arts, school, lecture and meeting rooms, and to provide for the education of orphan children. May erect edifice.

Sec. 3. There shall be nine directors of the said corporation, who shall be stockholders thereof, and who shall manage and control all the affairs of the same, maintaining perpetual succession, three of whom shall be elected at the annual meeting in each year, to fill the vacancy of a like number whose term of office shall expire upon the election of their successors, and the persons named in the first section of this act shall be the first directors; and the said nine directors, at their first meeting, shall proceed to cast lots for the terms of one, two and three years, by drawing numbers, and the three persons who shall draw the three highest numbers shall hold their offices for the term of three years, from and after the first day of January, eight-

een hundred and forty-six, and the three persons who shall draw the next three highest numbers shall hold their offices for the term of two years, from and after the period last aforesaid; and the remaining three persons shall hold their offices for the term of one year from and after the said first day of January, in the year last aforesaid.

Annual elec-  
tion.

Sec. 4. There shall be a meeting of the stockholders of said corporation on the first Monday of January, one thousand eight hundred and forty-seven, and on the first Monday in January in any succeeding year at some convenient place in the village of Adrian, to be designated by the bye-laws of said corporation; and a majority of the stockholders, who shall meet in person or by proxy, shall elect three of the stockholders to be directors in the place of those whose terms may expire, each person being entitled to one vote for each share he may hold in his own right, or represent by proxy.

President  
&c—how  
elected.

Sec. 5. The said directors are authorized and required, at their first meeting to elect, from their own number, a President, Secretary and Treasurer, who shall hold their offices for such terms, report to the Board of Directors, and be liable to removal under such rules and bye-laws as the said board shall, from time to time adopt.

In affairs—  
how man-  
aged.

Sec. 6. The government of said association, and the management of its affairs and property, shall be vested in said Board of Directors, a majority of whom shall constitute a quorum for the transaction of all business relative to the same, and the said directors are authorized to make such rules and bye-laws as may from time to time be ordained and adopted by said association: *Provided*, That said rules and bye-laws shall not conflict with the laws of this state, or of the constitution of the United States or of this state.

Powers.

Sec. 7. The said corporation shall possess the general powers granted to corporations, for all the purposes mentioned in this act, and in the name of its corporate title may sue and be sued.

Liability.

Sec. 8. In the collection of debts against said corporation, if corporate property cannot be found sufficient to satisfy any execution issued against it, the directors shall be jointly liable as partners in trade, for any debt created by them whilst directors of said corporation, and if such debts can not be collected from the corporate property of said association, or the individual property of said directors, then the stockholders shall be individually liable therefor to the amount of stock by them severally owned.

Sec. 9. It shall and may be lawful for the legislature at any time to demand a statement from the officers of said association, of the amount of property, real and personal, belonging to, and of the debts due to and from said corporation, and the purpose for which disbursements shall have been made, and shall also have the right to authorize one or more persons, under resolution, to examine such general accounts, in the books of said association.

*Statement  
of its af-  
fairs.*

Sec. 10. The legislature may, at any time hereafter, amend, alter or repeal this act.

Sec. 11. This act shall take effect and be in force from and after its passage.

Approved February 19, 1846.

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No. 20.

**AN ACT** authorizing a settlement of the claim of W. Norman McLeod.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the Auditor General be, and he is hereby authorized and required to issue his warrant in favor of W. Norman MacLeod, for the sum of three hundred dollars; being the amount appropriated "to pay an assistant state geologist," by act number one hundred and eleven, approved March twenty-fourth, one thousand eight hundred and forty-five.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 23, 1846.

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No. 21.

**AN ACT** to amend the charter of the city of Detroit.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* as follows, viz: The mayor, recorder and aldermen of the city of Detroit, are hereby authorized to divide the city of Detroit into three assessment districts, each district to be composed of two wards.

*Assessment  
districts.*

Assessors to  
be chosen.

Sec. 2. There shall be chosen by the electors of the city of Detroit, at the charter election next succeeding the passage of this act, six assessors, one from each of the wards of said city, three of whom, one from each district, shall hold their office for one year, and three of whom for two years; the time for which each shall hold his office to be determined by lot, at the meeting of the board of canvassers, held for the purpose of determining the result of such charter election. And at each succeeding regular charter election, there shall be chosen three assessors, one from each of the wards from which those assessors, whose term of office then expires were chosen, each of whom shall hold his office for the term of two years.

Duty of assessors.

Sec. 3. The two assessors chosen from the two wards in each of the several districts, shall once in each year, between the second Monday of March and the second Monday of May, jointly appraise all the real and personal estate, and make out the assessment rolls of all the taxable persons and property in their respective districts, making a separate roll for each of the two wards; and when any lot or lots shall be partly in two or more districts, the same shall be assessed in the district where the greater portion of said lot or lots are situated.

Collectors,  
how chosen

Sec. 4. There shall be chosen by the electors of the city of Detroit, at each charter election hereafter to be held, six collectors, one from each ward, who shall hold their office for one year, whose duty it shall be to collect the city and school taxes, and the state and county taxes in their respective wards. They shall be required to give bonds in such manner, and be entitled to such compensation as is or may be prescribed by law for township officers, doing the like duties: *Provided*, That for collecting city and school taxes, such collectors shall be entitled to take and receive only such compensation as may be provided and allowed therefor by the mayor, recorder and aldermen of the city of Detroit.

To give  
bonds.

Proviso.

Com. Coun-  
cil may close  
or alter  
streets.

Sec. 5. The common council shall have full power to close or alter streets and alleys in the bounds of the city of Detroit, and make such disposition of streets so closed as the public good may require: Provided that nothing herein contained, shall be so construed as in any manner to interfere with private rights.

Mayor may  
preside in  
court.

Sec. 6. That the mayor of said city shall preside in the mayor's court, only in the absence of the recorder.

Repeal.

Sec. 7. All acts and parts of acts, in so far as they contravene the

provisions of this act, are hereby repealed. This act shall take effect from and after its passage.

Approved February 23, 1846.

No. 22.

AN ACT to provide for the re-assessment of certain non-resident highway tax of eighteen hundred and forty-five, of the township of Royalton, in Berrien county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the proper authorities of the township of Royalton, in the county of Berrien, be, and they are hereby empowered to re-assess the non-resident highway tax of eighteen hundred and forty-five, in said township, in said county, in the manner and under the same limitations and restrictions as if the same had been returned to the office of the Auditor General, and there rejected for informality: *Provided*, that said re-assessment in said township shall conform, as far as practicable, to the respective assessment roll of eighteen hundred and forty-five, made for the aforesaid township, and that it shall distinctly appear to the board of supervisors of the county of Berrien, that the non-resident highway tax in said township for the year eighteen hundred and forty-five has not been collected and returned according to law.

Approved February 23, 1846.

No. 23.

AN ACT to amend an act approved March eleventh, one thousand eight hundred and forty-four, entitled "an act to amend an act granting to certain debtors to the State the privilege of paying the State in State bonds, &c., approved February eleventh, one thousand eight hundred and forty-two."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section one of an act approved March eleventh, one thousand eight hundred and forty-four, entitled 'an act to amend an act granting to certain debtors to the state, the privilege of paying the State in State bonds, &c., approved February

eleventh, one thousand eight hundred and forty-two," be amended by adding thereto, to stand as part thereof, the following proviso, to wit:

"*And provided further*, That nothing in this act contained, shall be construed to authorize the said Alfred Williams or any other person to tender to the Auditor General, or the said Auditor General to receive in whole or in part payment of the amount which may be due on said mortgage, any bond or other liability of this state, heretefore issued, and for which a full consideration is not by law acknowledged to have been received by the state; so that said section as amended will read:

Auditor authorized to sell mortgage.

"That the Auditor General of the State be authorized and required to sell, assign and transfer to Alfred Williams and such other person or persons as he may associate with him for the purchase of the same, the mortgage of the Detroit and Pon'tiac Rail-road Company, to the Auditor General, upon the Detroit and Pontiac Rail-road, on their tendering to him in consideration therefor, at any time within six months after the eleventh day of February, in the year eighteen hundred and forty-six, the amount which may be due on said mortgage, in the same liabilities of this state in which the Detroit and Pontiac Rail-road Company are granted the privilege of discharging said mortgage by the act to which this act is amendatory: *Provided*, the said Detroit and Pontiac Rail-road Company shall not have previously paid and discharged said mortgage: *And provided further*, That nothing in this act contained shall be construed to authorize the said Alfred Williams or any other person to tender to the Auditor General, or the said Auditor General to receive in whole or in part payment of the amount which may be due on said mortgage, any bond or other liability of this State heretefore issued, and for which a full consideration is not by law acknowledged to have been received by the State."

Proviso.

**Sec. 2.** This act shall take effect and be in force from and after its passage.

Approved February 27, 1846,

No. 24.

AN ACT to authorize the treasurer of the township of Sharon to make return of delinquent taxes of said township to the treasurer of the county of Washtenaw.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the treasurer of the township of Sharon, in the county of Washtenaw, be, and he is hereby authorized to make his return of delinquent taxes for eighteen hundred and forty-six, to the treasurer of said county, on or before the fifteenth day of March instant. And the treasurer of said county of Washtenaw is hereby directed to receive said return and forward a transcript of the same to the Auditor General, in conformity with the forty-seventh section of act number forty-nine, approved March eighth, eighteen hundred and forty-three.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1846.

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No. 25.

AN ACT to apportion anew the Representatives and Senators among the several counties and districts of this state.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the House of Representatives shall hereafter be composed of members elected agreeably to a ratio <sup>Ratio of representation.</sup> of one representative for every five thousand white persons in each organized county, and one representative for a fraction above one half of said number and not included therein, that is to say; within the counties of Wayne and Oakland, six each; within the counties of Washtenaw and Lenawee, five each; within the counties of Monroe, Macomb, Jackson and Calhoun, three each; within the counties of Hillsdale, Branch, St. Joseph, Cass, Berrien, Kalamazoo, Livingston, St. Clair and Genesee, two each; and within the counties of Chippewa, Mackinaw, Saginaw, Lapeer, Shiawassee, Clinton, Ionia, Eaton, Barry, Ingham, Allegan and Van Buren, one each; within the counties of Kent and Ottawa, two; and in this apportionment, all

unorganized counties attached to any of the ~~the~~foresaid counties for judicial purposes, shall be and are hereby attached to the same counties respectively, for representative purposes. The election returns for the representative district composed of the counties of Kent and Ottawa shall be made to the county seat of the county of Kent.

Senatorial  
districts.

Sec. 2. The Senate districts of this state shall be constituted as follows, to wit: The first district shall consist of the counties of Wayne, Macomb and St. Clair, and be entitled to four senators; the second district shall consist of the counties of Jackson, Washtenaw and Livingston, and be entitled to four senators; the third district shall consist of the counties of Monroe, Lenawee, Hillsdale and Branch, and be entitled to four senators; the fourth district shall consist of the counties of St. Joseph, Cass, Berrien and Van Buren, and be entitled to two senators; the fifth district shall consist of the counties of Allegan, Kalamazoo and Calhoun, and be entitled to two senators; the sixth district shall consist of the counties of Oakland, Lapeer, Genesee, Shiawassee, Saginaw, Mackinaw and Chippewa, and be entitled to four senators; the seventh district shall consist of the counties of Ingham, Eaton, Barry, Clinton, Ionia, Kent and Ottawa, and be entitled to two senators; and any unorganized county or counties, attached for judicial purposes to either of the counties composing a senatorial district, shall be included within such senatorial district. The election returns for the first senatorial district shall be made to the seat of justice of the county of Wayne; for the second district to the seat of justice of the county of Washtenaw; for the third district, to the seat of justice of the county of Lenawee; for the fourth district, to the seat of justice of the county of Cass; for the fifth district, to the seat of justice of the county of Kalamazoo; for the sixth district, to the seat of justice of the county of Oakland; and for the seventh district, to the seat of justice of the county of Ionia.

Senators—  
how apportioned.

Sec. 3. At the next general election, there shall be elected in the first senatorial district, three senators; in the second district three; in the third district one; in the fourth district two; in the fifth district one; in the sixth district two; and in the seventh district one. At the first session after their election, the three senators elected at the next general election in each of the first and second districts, shall be classified by lot into two classes, one of whom shall serve for one year



and two for two years. And the two senators elected at the same time in the fourth district, shall be classified by lot, one of whom shall serve for one year, and the other for two years.

There shall be elected in the third district, at the general election, in the year eighteen hundred and forty-seven, three senators, who, at the first session after their election, shall be classified by lot into two classes, one of whom shall serve for one year, and two for two years.

*Senators—  
how apportioned.*

Approved March 10, 1846.

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No. 26.

**AN ACT** to provide for the payment of Dennis, Thomas, and Wood.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the treasurer of the state be, and he is hereby authorized to pay the firm of Dennis, Thomas and Wood, of Auburn, New York, the sum of eighty nine dollars and sixty seven cents, for articles furnished the state prison, out of any money in the treasury not otherwise appropriated.

*Treas'r to pay.*

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1846.

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No. 27.

**AN ACT** to repeal a part of act number twenty-four, establishing and providing for the construction of a state road from a certain point in the county of Barry, to Grand Rapids, in the county of Kent, approved March twelfth, one thousand eight hundred and forty-five.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That sections three, four, five, six, seven and ten, of the act aforesaid, be, and the same are hereby repealed.

Sec 2. This act shall take effect from and after its passage.

Approved March 13, 1846.

## No. 28.

**AN ACT** to change the name of the village of Newburg.

*Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That the name of the village now recorded and known as the village of Newburg, situate in the township of Bristol, county of Lapeer, shall be hereafter known and designated as the village of Almont, and all transfers of real estate within the limits of said village of Newburg, which may hereafter be made, as of the village of Almont, having reference by number of blocks and lots to the original plat, recorded by the name of Newburg, shall be as valid in law as if no change in the name of said village had been authorized.*

*Sec. 2. This act shall take effect and be in force from and after its passage.*

Approved March 13, 1846.

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## No. 29.

**AN ACT** to amend an act entitled "an act to authorize the treasurer of the township of Sharon to make return of delinquent taxes of said township to the treasurer of the county of Washtenaw," approved March seventh, eighteen hundred and forty-six.

*Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That an act entitled "an act to authorize the treasurer of the township of Sharon to make return of delinquent taxes of said township to the treasurer of the county of Washtenaw," approved March seventh, eighteen hundred and forty-six, be and the same is hereby amended, so as to authorize the said treasurer of the township of Sharon to make his return of delinquent taxes for the year eighteen hundred and forty-five, on or before the twentieth day of March instant.*

*Sec. 2. This act shall take effect and be in force from and after its passage.*

Approved March 14, 1846.

No. 30.

**AN ACT for the relief of Emaline A. Weaver.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the State of Michigan hereby release to Emaline A. Weaver, widow of John Weaver; late of the town of Pulaski, and county of Jackson, deceased, all the right, title and interest which the state has by escheat, in and to the north-west quarter of section number twenty-seven, in township number four, south of range number three west, according to the United States survey of public lands in the state of Michigan, of which land the said John Weaver died seized. Certain land released.

Approved March 17, 1846.

No. 31.

**AN ACT to change the name of James M. Hogg.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That from and after the passage of this act it shall be lawful for James M. Hogg to take and assume the name of James M. Hogg, and by that name he shall be hereafter known and designated.

Approved March 20, 1846.

No. 32.

**AN ACT to provide for the re-assessment of certain highway taxes of eighteen hundred and forty-five, on lands in the township of Ogden, Lenawee county.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the supervisors of the county of Lenawee be, and they are hereby empowered to order a re-assessment of the non-resident highway taxes of eighteen hundred and forty-five, upon the non-resident lands in the township of Ogden, in said county, in the manner and under the same limitations and restrictions as if the same had been returned to the office of the Auditor General and there rejected for informality. Re-assessment of taxes in township of Ogden.

**Provido.** *Provided,* That said re-assessment upon the non-resident lands in said township of Ogden, shall be made upon the lands informally returned in said year as non-resident, and that it shall distinctly appear to said board of supervisors of the county of Lenawee, that the non-resident highway taxes aforesaid have not been paid.

**To extend to township of Burns.**

Sec. 2. The provisions of this act shall extend to, and be made fully applicable to the re-assessment of taxes for the year eighteen hundred and forty-four, in the township of Burns, in the County of Shiawassee, so far as the same may extend to taxes for that year not paid.

Approved March 20, 1846.

### No. 33.

AN ACT to organize certain townships, and for other purposes.

**Maple Grove** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That township number two north, of range number seven west, in the county of Barry, be, and the same is hereby set off and organized into a separate township by the name of "Maple Grove," and the first township meeting therein shall be held at the house of Henry Deens, in said township.

**Lake.** Sec. 2. That township number six south, of range number nineteen west, and township number six south, of range number twenty west, now a part of the township of Oronoco, in the county of Berrien, be, and the same is hereby set off from said township of Oronoco, and organized into a separate township by the name of "Lake," and the first township meeting therein shall be held at the House of Benjamin Lemon, in said township.

**Pewonagawink.** Sec. 3. That township number nine north, of range number five east, now forming a part of the township of Vienna, in the county of Genesee, be, and the same is hereby set off from said township of Vienna, and organized into a separate township by the name of "Pewonagawink," and the first township meeting therein, shall be held at the house of James Farquhison, in said township.

Sec. 4. That all of township number seven north, of range number five east, lying south of Flint river, now forming a part of the

township of Flushing, in the county of Genesee, be, and the same is hereby set off from said township of Flushing, and organized into a separate township by the name of "Clayton," and the first township meeting therein shall be held at the school house in district number six, in the township of Flushing. Clayton.

Sec. 5. All that part of the county of Genesee known and designated by the United States survey as the west half of township seven north, of range six east, (now a part of the township of Flushing,) be and the same is hereby attached to the township of Flint. Part of Flushing attached to Flint.

Sec. 6. All that part of the county of Kalamazoo, designated by the United States survey as township number four south, of range number nine west, be and the same is hereby set off and organized into a separate township by the name of "Wakoshma," and the first township meeting shall be held at the house of Jacob J. Gardner. Wakoshma

Sec. 7. All that part of the county of Branch designated by the United States survey as township number eight south, of range number five west, be and the same is hereby set off and organized into a separate township by the name of "California," and the first township meeting shall be held at the school house in school district number three in said township. California.

Sec. 8. All that part of the county of Lapeer designated by the United States survey as township number eight north, of range number nine east, now a part of the township of Marathon, be, and the same is hereby set off and organized into a separate township by the name of "Oregon," and the first township meeting shall be held at the house of William Skinner, in said township. Oregon.

Sec. 9. All that part of the county of Ionia designated by the United States survey as township number eight north, of range number seven west, be and the same is hereby set off from the township of Ionia, in said county, and organized into a separate township by the name of "Orleans," and the first township meeting shall be held at the house of Ira Wheeler, in said township. Orleans.

Sec. 10. All that part of the county of Ionia designated by the United States survey as township number five north, of range number seven west, be, and the same is hereby set off from the township of Berlin, in said county, and organized into a separate township by Odessa.

the name of "Odessa," and the first township meeting shall be held at the house of Myron Tupper, in said township.

Grattan

Sec. 11. All that part of the county of Kent designated by the United States survey as township number eight north, of range number nine west, be, and the same is hereby set off from the township of Vergennes in said county, and organized into a separate township by the name of "Grattan," and the first township meeting shall be held at the house of Volney W. Calkins, in said township.

Sparta.

Sec. 12. All that part of the county of Kent, designated by the United States survey as townships number nine and ten north, of range number twelve west, be and the same is hereby organized into a separate township by the name of "Sparta," and the first township meeting shall be held at the house of Clark Brown, in said township.

Churchtown.

Sec. 13. All that part of the county of Kent designated by the United States survey as township number eight north, of range number ten west, be, and the same is hereby set off from the township of Plainfield, in said county, and organized into a separate township by the name of "Churchtown" and the first township meeting shall be held at the house of Cornelius Slack, in said township.

Part of Cortland attached to Plainfield

Sec. 14. All that part of the county of Kent designated by the United States survey as township number nine north, of range number eleven west, being now a part of the township of Cortland, be, and the same is hereby attached to and made a part of the township of Plainfield in said county.

Part of Otisco attached to Keene.

Sec. 15. All that part of the township of Otisco, in the county of Ionia, included within the limits of sections numbered seven and eighteen in township number seven, north of range number eight west, as designated by the United States survey, be and the same is hereby attached to, and made a part of the township of Keene, in said county.

Greenbush to include part of Gratiot county.

Sec. 16. That the territory of the township of Greenbush, in the county of Clinton, be and the same is hereby extended so as to embrace township number nine, north of range number two west, being now a part of the county of Gratiot:

Repealing clause.

Sec. 17. All acts and parts of acts contravening the provisions of section sixteen, be, and the same are hereby repealed.

Sec. 18. All that part of the county of Berrien designated in the

United States survey as township number three, south of range number seventeen west, be, and the same is hereby set off and organized into a separate township by the name of Watervliet, and the first township meeting shall be held at the house of George Johnson, in said township. Watervliet.

Sec. 19. All that part of the county of Berrien, designated in the Hagar. United States survey as township three, south of range eighteen west, be, and the same is hereby set off and organized into a separate township by the name of Hagar, and the first township meeting shall be held at the schoolhouse of said township.

Sec. 20. That all the territory designated by the United States survey as the county of Newaygo, excepting township eleven, north of range fourteen west, be, and the same is hereby organized into a township by the name of Newaygo, and said township is hereby attached to the county of Kent, for judicial purposes, and the first township meeting shall be held at the house of John F. Stearns, in said township. Newaygo.

Sec. 21. That all the territory designated by the United States survey as township number eleven, north of range number fourteen west, be, and the same is hereby attached to the township of Muskegon, in the county of Ottawa, for judicial purposes. Township attached to Muskegon.

Sec. 22. That the county of Manistee be, and the same is hereby separated from the county of Mackinac, and the same attached to the county of Ottawa, for judicial purposes. Counties attached.

Sec. 23. That all the territory designated according to the United States survey as the counties of Mason and Manistee, be, and the same is hereby organized into a township by the name of Manistee; and said township is hereby attached to the county of Ottawa for judicial purposes, and the first township meeting shall be held at the house of John Stronach, in said township. Manistee organized.

Sec. 24. That all that part of Ottawa county designated by the United States survey, as townships number five and six, north of range number fourteen west, be, and the same are hereby set off from the township of Polkton, in the said county, and attached to the township of Georgetown, in the said county, for all judicial purposes. A part of Polkton attached to Georgetown.

Sec. 25. That all that part of township number seven, north of

A part of  
Polkton at-  
tached to  
Ottawa.

range number fourteen west, in the county of Ottawa, according to the United States survey, which lies on the south side of Grand River, be, and the same hereby is set off from the township of Polkton, and attached to the township of Ottawa, for judicial purposes.

Sec. 26. 'This act shall take effect and be in force from and after its passage.

Approved March 25, 1846.

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No 34.

AN ACT to amend an act entitled "an act to incorporate the Michigan Central College at Spring Arbor."

*Amendment* Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section two of said act be amended by inserting after the word "stead" in the ninth line, the words "by the stockholders of said college."

Also, add one new section, as follows :

Sec. 8. It shall be the duty of the Superintendent of Public Instruction to attend the examinations of said college once in each year, and to report at each annual session of the legislature the condition and prospects of said college.

Approved March 25, 1846.

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No. 35.

AN ACT to vacate a portion of the plat of the village of Unadilla, in the county of Livingston, and for other purposes.

A part of  
plat of Un-  
adilla vacat'd

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all that portion of the recorded plat of the village of Unadilla, situate in the county of Livingston, and lying upon the east half of the east half of the south west quarter of section twenty eight, (28) in township one, (1) north of range three (3) east, as the same is now recorded in the office of the register of said county of Livingston, be, and the same is hereby vacated, and the right, title and interest of, in and to all streets, alleys and public squares in the part of said village plat hereby vacated, shall



revert to, and vest in David Holms, his heirs and assigns forever: *Provided*, That if either of said streets shall now be used in connection with, or as a portion of, any public highway, the same shall be excepted from the operation of this act. Proviso.

Sec. 2. That all that part of the village plat of the village of Homer, in the county of Calhoun, lying north of the south line of Platt street, east of the west line of Hillsdale street, and all that part of the plat of said village lying south of Hamilton street, and east of the east line of Webster street; and also all of the plat of said village lying east of the west line of Byron street, between Ewart and Fulton streets, be, and the same is hereby vacated. Homer.

Sec. 3. That all that part of the village of Flint, in the county of Genesee, being blocks numbers twenty-three, twenty-five, forty-three, forty-five and forty-seven, together with the streets and alleys running through and between said blocks, also West and Eleventh streets be, and the same is hereby vacated. Flint.

Sec. 4. That the following portions and parts of Ballentine and Morse's allotment of the western addition of the village of Ypsilanti, in the county of Washtenaw, surveyed May third, in the year eighteen hundred and thirty-seven, by O. Risdan, to wit: Blocks number five and six, also lots number eight, nine, ten, eleven and twelve, in block number three, together with the streets and alleys running through and surrounding said blocks or any of them, be, and the same is hereby vacated. Ypsilanti.

Sec. 5. All that part of the city of Monroe which is bounded on the north by the north line of Seventh street, on the west by Monroe street, on the east by the Laplainsance Bay Road, and on the south by the southern line of said city, be, and the same is hereby vacated. Monroe.

Sec. 6. None of the blocks, lots, streets and alleys shall be vacated to the injury of any other person or persons owning property on or upon or adjoining the above described portions of the said villages or cities; *Provided*, That no street or alley shall be vacated without the consent of all persons owning property on or adjoining such streets or alleys. Consent to be had,

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 25, 1846.

## No. 36.

AN ACT to authorize and confirm the alteration of the state road leading from Marshall to Hastings.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the alteration of said road made by the commissioners of the township of Emmett, Calhoun county, October, one thousand eight hundred and forty-two, and of record in the township clerk's office, be, and the same is hereby confirmed and established, and that said road may at any time hereafter be opened and worked within one year, on the payment of any damages now remaining unpaid.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 25, 1846.

## No. 37.

AN ACT to authorize the first township meeting in the township of Pewonagawink, to be held at the house of George Wilcox.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the first township meeting of the township of Pewonagawink, shall be held at the house of George Wilcox, in said township, any law to the contrary notwithstanding.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 25, 1846.

## No. 38.

AN ACT for the relief of John Nardin.

Certificate of  
purchase to  
be issued.

*Be it enacted by the Senate and House of Representatives of the State of Michigan*, That whenever by the laws of this state the south-east quarter of section number thirty-three, [33,] in township number seven [7,] north, range number twelve [12,] west, it being part of the lands granted to the state by the act of Congress

approved June, twenty-three, eighteen hundred and thirty-six, and known as the salt spring lands, shall be offered for sale, it shall be the duty of the person or persons entrusted by law with such sale, to issue to John Nardin or to his heirs or assigns, a certificate of purchase of the south-east quarter of said section, on the payment by the said Nardin, his heirs or assigns, to the person authorized to sell said lands, of the sum of one dollar and twenty-five cents per acre for the same: *Provided*, the said Nardin, his heirs or assigns shall tender the said money as aforesaid, within one year from the time said lands shall be offered for sale as aforesaid: *And Provided further*, the said Nardin, his heirs or assigns, shall be entitled to the possession of said land until the expiration of that time: *Provided*, That the commissioner of the state land office shall first satisfy himself that there are no salt springs on said land: *And provided further*, That said land shall be subject to taxation in the same manner as if the fee of said land was vested in private persons. *Proviso.*

Approved March 25, 1846.

### No. 39.

AN ACT to secure a pre-emption right of the purchase of certain lands to John Gardiner.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Commissioner of the State Land Office shall appoint three suitable persons, residents of the county of Ottawa, for the appraisal of the lands hereinafter described. *Appointm't of appraisers*

Sec. 2. It shall be the duty of the said appraisers forthwith after Day. their appointment by the Commissioner, to proceed upon, examine and appraise at their true and just value per acre, (exclusive of all the improvements thereon,) lots number four (4) and five, (5) of the south east fractional quarter of section twelve of town seven, north of range fourteen west, situate in the county of Ottawa, and known as University land.

Sec. 3. The said appraisers shall immediately thereafter make out and transmit to the Commissioner of the State Land Office a statement of the said appraisal containing a description and valuation of each of said lots. *Appraisal to be transmitted to com'r.*

Com'r to issue certificate.

Sec. 4. It shall thereupon be the duty of the said Commissioner to issue to the said John Gardiner, his heirs or assigns, a certificate of purchase of said lots number four and five of said section, on the payment by the said Gardiner, his heirs or assigns, of the price for each acre thereof, established by the said appraisers: *Provided*, The said price shall be at least one dollar and twenty-five cents for each acre: *And provided further*, That the said Gardiner, his heir or assigns, shall tender the said price within one year from the passage of this act.

Appraisers, how paid.

Sec. 5. The said Gardiner, his heirs or assigns, shall pay to said appraisers for their services, as soon as rendered, one dollar to each for every day thus employed, and fifty cents for a half day, and five cents a mile for travelling fees, for going only, to the place of appraisal.

Sec. 6. The said Gardiner, his heirs or assigns, may continue in possession of said lots until the expiration of said year.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 25, 1846.

#### No. 40.

AN ACT to amend an act entitled "an act to amend an act entitled an act to incorporate the village of Adrian," approved April sixth, one thousand eight hundred and forty-one, and an act amendatory thereof, approved March seventh, one thousand eight hundred and forty-three.

Election—when held.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the election of officers of said village shall, after the year one thousand eight hundred and forty-six, be held annually on the first Monday of March, instead of the first Monday in May; and the term of office of those that may be elected in the year one thousand eight hundred and forty-six, shall expire on the first monday of March, one thousand eight hundred and forty-seven.

Repealing clause.

Sec. 2. That section two of an act entitled an act to amend an act entitled an act to amend an act entitled an act to incorporate the

village of Adrian, approved March seventh, one thousand eight hundred and forty-three, be and the same is hereby repealed.

Approved March 25, 1846.

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No. 41.

AN ACT further to provide for the payment of the Officers and Members of the Legislature, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there be and is hereby appropriated out of any monies in the State Treasury, the sum of fifteen thousand dollars, for the payment of members and officers of the legislature for the present year and for defraying the incidental expenses thereof. Appropriation.

Sec. 2. The State Treasurer is hereby authorized and directed, out of the appropriations aforesaid, to pay the members, officers, firemen and messengers of either House, respectively, at the same rates per diem and for mileage, and upon certificates drawn in the same form, and certified in the manner provided in the act to provide for the payment of the officers and members of the legislature, and for other purposes, approved January fourteenth, one thousand eight hundred and forty-six. Treasurer to pay members and officers of legislature

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 25, 1846.

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No. 42.

AN ACT to authorize the sale of the Central Rail Road, and to incorporate the Michigan Central Rail Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William Sturgess, John Elliot Thayer, Alexander Duncan, William F. Weld, Josiah Quincy, Jr., David A. Neal, John Bryant, James K. Mills, Erastus Corning, Thomas H. Perkins, John P. Cushing, George Griswold, John M. Forbes, R. B. Forbes, Dudley L. Pickman, John W. Brooks, Cyrus Butler, Moses B. Ives, Robert H. Ives, Edward King, John Carter Brown, Corporators

Name of  
corporation  
and its pow-  
ers.

Previous.

When co.  
may pur-  
chase.

Exception.

Price, first  
payment.

Thomas H. Perkins, Jr., Marcus T. Reynolds, Garrett Y. Lansing, John Townsend, Rufus H. King, and such other persons as shall associate with them for that purpose, are hereby made and constituted a body corporate and politic, by the name and style of the "Michigan Central Rail Road Company," with perpetual succession, and by that name shall be capable in law of taking, purchasing, holding, leasing, selling and conveying estates and property, whether real, personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned, and no farther; and in their corporate name may sue and be sued, and in case of judgment against them, they shall pay full costs; may have a common seal which they may alter or renew at pleasure, and may have and exercise all powers, rights, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as the same are hereinafter set forth: *Provided*, That nothing in this act contained shall extend or be construed to authorize the said company to carry on the business of banking, brokerage, or any other business except what properly belongs to a rail-road and transportation company, as hereinafter provided.

Sec. 2. The said company within six months after the passage of this act, shall have the right to purchase and take from the state, and the state will sell and grant to said company all the right, title, and interest of the state in and to the Central Railroad, and all its appurtenances, including all machine shops and other buildings, and stock and materials upon the said road, of whatever name or kind, and all lands or rights of way which the state has or may have acquired in connection with said rail road, (saving only to the state the building in which is now kept the Auditor General and State Treasurer's offices, and the lot of land on which it is situate, being the same land and premises described in a certain deed of lease for a term of nine hundred and ninety-nine years, executed by the association for promoting female education in Detroit, to the Regents of the University of Michigan, bearing date March thirtieth, in the year eighteen hundred and forty-three,) for the price or sum of two millions of dollars; of which, the sum of five hundred thousand dollars shall be paid by the said company, at the State Treasury, to the State Treasurer, within six months after the passing of this act, of which

sum such portion of the one hundred and fifty thousand dollars now owing by the state for iron, spikes and hardware, procured for the purpose of its rail roads, as shall remain unpaid at the time prescribed for the payment of said five hundred thousand dollars, shall be paid by the company either in money or in the bonds executed for the payment of the money so due, and the further sum of one hundred and five thousand dollars, part of said sum of five hundred thousand shall be paid in money or in the coupons of the bonds designated in section four of this act as first class, which coupons fall due on the first day of January, and first day of July, eighteen hundred and forty-six, and the residue of said five hundred thousand dollars to be paid as hereinafter provided ; and thereupon the said company shall immediately thereafter be put into and be entitled to the possession of said rail road and its appurtenances, including all lands, machine-<sup>Co. to have possession.</sup> shops, and other buildings, (saving as aforesaid) and except also that any person who may own any building upon land belonging to the state on the line of the Central Railroad, which land may be transferred to said company under this act, may dispose of or take away such building within three months after such transfer ; and their furniture ; and all stock and materials upon said rail road, of whatever name or kind. And if within one year from the payment of the said <sup>Second payment.</sup> five hundred thousand dollars, the said company shall pay to the state the further sum of one million and five hundred thousand dollars, with interest on the same, at the rate of six per cent. per annum, to be computed from the time when said first mentioned sum of five hundred thousand dollars shall have been paid by said company to the state, said sum of one million five hundred thousand dollars, and interest thereon, to be paid at the State Treasury, in the manner prescribed for the payment of the aforesaid sum of five hundred thousand dollars : *Provided*, That of said sum of fifteen hundred thousand dollars, the said company shall pay in cash, a sum equal to six per cent. <sup>Proviso.</sup> on all the bonds mentioned in the fourth section of this act as first class, which shall then remain outstanding, and which shall not have been paid into the state, as hereinafter provided by said company, or in the coupons of said outstanding bonds falling due the first day of January, and the first day of July, eighteen hundred and forty-seven, then, and immediately thereafter, all the right, title and interest of

Name of  
corporation  
and its pow-  
ers.

Previous.

When co.  
may pur-  
chase.

Exception.

Prior, first  
payment.

Thomas H. Perkins, Jr., Marcus T. Reynolds, Garrett Y. Lansing, John Townsend, Rufus H. King, and such other persons as shall associate with them for that purpose, are hereby made and constituted a body corporate and politic, by the name and style of the "Michigan Central Rail Road Company," with perpetual succession, and by that name shall be capable in law of taking, purchasing, holding, leasing, selling and conveying estates and property, whether real, personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned, and no farther : and in their corporate name may sue and be sued, and in case of judgment against them, they shall pay full costs ; may have a common seal which they may alter or renew at pleasure, and may have and exercise all powers, rights, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as the same are hereinafter set forth : *Provided*, That nothing in this act contained shall extend or be construed to authorize the said company to carry on the business of banking, brokerage, or any other business except what properly belongs to a rail-road and transportation company, as hereinafter provided.

Sec. 2. The said company within six months after the passage of this act, shall have the right to purchase and take from the state, and the state will sell and grant to said company all the right, title, and interest of the state in and to the Central Railroad, and all its appurtenances, including all machine shops and other buildings, and stock and materials upon the said road, of whatever name or kind, and all lands or rights of way which the state has or may have acquired in connection with said rail road, (saving only to the state the building in which is now kept the Auditor General and State Treasurer's offices, and the lot of land on which it is situate, being the same land and premises described in a certain deed of lease for a term of nine hundred and ninety-nine years, executed by the association for promoting female education in Detroit, to the Regents of the University of Michigan, bearing date March thirtieth, in the year eighteen hundred and forty-three,) for the price or sum of two millions of dollars ; of which, the sum of five hundred thousand dollars shall be paid by the said company, at the State Treasury, to the State Treasurer, within six months after the passing of this act, of which



sum such portion of the one hundred and fifty thousand dollars now owing by the state for iron, spikes and hardware, procured for the purpose of its rail roads, as shall remain unpaid at the time prescribed for the payment of said five hundred thousand dollars, shall be paid by the company either in money or in the bonds executed for the payment of the money so due, and the further sum of one hundred and five thousand dollars, part of said sum of five hundred thousand shall be paid in money or in the coupons of the bonds designated in section four of this act as first class, which coupons fall due on the first day of January, and first day of July, eighteen hundred and forty-six, and the residue of said five hundred thousand dollars to be paid as hereinafter provided; and thereupon the said company shall immediately thereafter be put into and be entitled to the possession of said rail road and its appurtenances, including all lands, machine-shops, and other buildings, (saving as aforesaid) and except also that any person who may own any building upon land belonging to the state on the line of the Central Railroad, which land may be transferred to said company under this act, may dispose of or take away such building within three months after such transfer; and their furniture; and all stock and materials upon said rail road, of whatever name or kind. And if within one year from the payment of the said five hundred thousand dollars, the said company shall pay to the state the further sum of one million and five hundred thousand dollars, with interest on the same, at the rate of six per cent. per annum, to be computed from the time when said first mentioned sum of five hundred thousand dollars shall have been paid by said company to the state, said sum of one million five hundred thousand dollars, and interest thereon, to be paid at the State Treasury, in the manner prescribed for the payment of the aforesaid sum of five hundred thousand dollars: *Provided*, That of said sum of fifteen hundred thousand dollars, the said company shall pay in cash, a sum equal to six per cent. on all the bonds mentioned in the fourth section of this act as first class, which shall then remain outstanding, and which shall not have been paid into the state, as hereinafter provided by said company, or in the coupons of said outstanding bonds falling due the first day of January, and the first day of July, eighteen hundred and forty-seven, then, and immediately thereafter, all the right, title and interest of

Co. to have possession.

Second payment.

Proviso.

Right of st'  
to vest in  
the compa-  
ny.

the state to the Central Railroad, and all its appurtenances, including all machine shops, depots, and other buildings and stock upon the said road, of whatever name or kind, and all lands and estates, or interest in land, and rights of way which the state has or may have acquired in connection with said rail road, and for the purposes thereof, and which it may lawfully convey, (save as aforesaid,) shall then and thereafter vest in and become the property of said company; but such interest in lands shall not extend to or include any lands granted to the state by the government of the United States for purposes of internal improvement: *Provided*, That nothing in this section contained shall be construed as rendering the state liable for any defect or failure of title in and to the property granted, or any part thereof.

Not to ex-  
tend to int.  
imp lands.

If first pay-  
ment is not  
made.

Sec. 3. In case said company shall not within six months after the passage of this act pay into the state treasury the sum of five hundred thousand dollars in the manner provided in the last preceding section, then and in such case said Michigan Central rail-road company hereby incorporated, shall immediately be and become dissolved, and shall thenceforward neither have nor exercise any of the rights, privileges or immunities of a body corporate or politic for any purpose whatsoever; and in case the company shall pay into the state treasury in manner aforesaid within six months after the passage of this act, the sum of five hundred thousand dollars, but shall fail to pay into the state treasury within one year after such payment of five hundred thousand dollars, the further sum of one million, five hundred thousand dollars, with interest on the same at the rate of six per cent per annum, to be computed from the time when said first mentioned sum of five hundred thousand dollars shall have been paid, then and in such case the said five hundred thousand dollars so paid shall be and become absolutely forfeited to the state; and all property and estate of whatever name or kind, which said company shall be seized or possessed of or entitled to, shall immediately become forfeited to and vest in the state to all intents and purposes; and the state may immediately thereafter take possession of the same, and all corporate franchises hereby granted shall then and thereafter become and be null and wholly revoked; and in case the said sum of one million and five hundred thousand dollars, and interest to be computed as aforesaid,

Failing to  
make and  
payment.

State may  
take posses-  
sion &c.

shall not be paid as aforesaid within one year after the payment of the five hundred thousand dollars, as aforesaid, then the state treasurer shall certify to the fact of such non-payment; and upon such certificate, any justice of the supreme court may make an order that any writ or writs of execution, shall issue from the supreme court in which the state shall be named as plaintiff, and said Michigan Central railroad company as defendant, and which writ or writs may be directed to any sheriff or sheriffs, coroner or coroners, within this state; and the said certificate with said order endorsed, being filed in the office of the clerk of the supreme court in any circuit, the said order shall have the effect of a judgment of said court, and thereupon one or more writs of habere facias possessionem, or other writs of execution may be issued under the direction of the attorney general, into any county or counties of this state, and may be made returnable into said court in the discretion of the attorney general either in term time or vacation; and alias and pluries writs may be issued, directed to the sheriffs or coroners of the same or different counties from antecedent writ or writs. And it shall be competent for the supreme court or any justice thereof, upon application of the attorney general to prescribe the forms and contents of any such writ or writs to be issued under this section; and any writ of habere facias possessionem to be issued under this section, may command the sheriff or coroner, to whom the same may be directed, that he cause the state to have possession of the Central rail-road, or any portion thereof, or of any railroad which may have been constructed or used by said company, or any portion thereof, and of the respective appurtenances thereunto belonging, including all lands, rights of way, tenements, depots, car houses, machine shops, and other structures and edifices connected with said rail-road or rail-roads, or any portion or portions of the same, and all stock of such road or roads, or any portion thereof, including cars, locomotives and tenders, and the furniture of said road or roads, or any portion thereof; and the supreme court, upon application of the state by the attorney general, may make any rule or rules, order or orders, which it may deem expedient the better to carry out and give effect to the intent of this section.

Treasurer to certify.

Order execution.

To prescribe forms of writ.

Court to make rules.

Sec. 4. In any payment of purchase money to be made to the state by or from said company, the state treasurer is hereby authorized and di-

Treasur' to  
receive cer-  
tain state in-  
debtedness  
or lawful  
money of  
U. S.

rected to receive, and the said company may at its option pay, except as hereinbefore provided, the whole or any portion in lawful money of the United States, or in either of the following classes of state indebtedness, to wit: *First*, The bonds specified in the first section of an act entitled "an act to liquidate the public debt and to provide for the payment of interest thereon," approved March eighth, eighteen hundred and forty-three, and the interest bonds issued for unpaid interest on said bonds up to July first, eighteen hundred and forty-five, at the sums mentioned in said bonds respectively, with the interest due and unpaid thereon at the time of the payment of the same into the treasury: *Second*: The three million, eight hundred and thirteen thousand dollars of five million loan, and other bonds delivered to the United States Bank, and Morris Canal and Barking company, and referred to in the preamble to the sixth section of the above mentioned act, at the rate of four hundred and three dollars and eighty-eight cents on each one thousand dollars of said bonds, for principal and interest due thereon, on the first day of January, eighteen hundred and forty-six, and adding for subsequent interest at the rate of six per cent per annum on three hundred and two dollars and seventy-three cents for each thousand dollars of said bonds: *Provided*, The coupons since July, eighteen hundred and forty-one, shall remain attached thereto: *Thirdly*: The stock issued in behalf of the Palmyra and Jacksonburgh Railroad company, with the interest due and unpaid thereon; *Fourthly*: All warrants or other evidences of state indebtedness, due or past due, not comprehended in the previous provisions of this section, except warrants drawn on the commissioner of the state land office, made payable in lands only.

Sec. 5. The Michigan Central railroad company shall have full power and authority to locate, and from time to time to alter, change, re-locate, construct and re-construct, and fully to finish, perfect and maintain a railroad, with one or more tracks: *Provided*, That said company shall not re-locate any portion of said railroad so as to change materially the route thereof, after the heavy rail hereinafter provided for has been placed thereon, from some suitable point, not more than six thousand feet distant from the termination of Woodward Avenue, on the Detroit river, in the city of Detroit, to pass through the villages or towns of Ypsilanti, Ann Arbor, Dexter, Jack-

Power to  
alter, change  
&c.

Proviso.

son, Marshall, Battle Creek, Kalamazoo, to some point in the State of Michigan, on or near Lake Michigan, which shall be accessible to steamboats navigating said lake, and thence to some point on the southern boundary line of the State of Michigan, and to transport, <sup>Totransport</sup> take and carry property and persons upon said railroad or way, by power or force of steam or of animals, or of any mechanical or other power, or any combination of them which said company may choose to use or apply. And for the purpose of constructing said railroad, or way, said company shall have authority and power to lay out, designate and establish their road in width not exceeding one hundred <sup>Width of road.</sup> and fifty feet, through the entire line thereof; and may take, have, <sup>May take lands.</sup> and appropriate to their use all such lands so designated for the line or construction of said road, upon first paying or tendering therefor such amount of damage as shall have been settled by appraisal, in the manner hereinafter provided, on all such lands as may be taken westwardly from the village of Kalamazoo, or upon any new track which may be located by said company; and for the purpose of cuttings and embankments, and for the obtaining of stone, sand and gravel, may take and appropriate as much more of land as may be necessary for the proper construction and security of said road, and for constructing shops, depots, and other proper, suitable and convenient fixtures in connection with, and as appurtenances to said railroad, may take, have, use and occupy any lands on either side of said railroad not exceeding two hundred feet in depth from said railroad, the said company taking all such lands as gifts, or purchasing or making satisfaction for the same in manner hereinafter provided; and no <sup>Certain rail road not to be built.</sup> railroad or railroads from the eastern or southern boundary of the state, shall be built, constructed or maintained, or shall be authorized to be built, constructed or maintained by or under any law of this state, any portion of which shall approach westwardly of Wayne county, within five miles of the line of said railroad as designated in this act, without the consent of said company; nor shall any railroad or railroads be so authorized or constructed, which shall commence within twenty miles of the city of Detroit, and extend to Lake Michigan, or the southern boundary line of the state, and the line of which shall, on an average run within twenty miles of the main line of said Michigan Central railroad: *Provided*, That nothing herein contain-

*Proviso.*

ed shall be construed to preclude or prevent the construction of the Southern Railroad from Lake Erie to Lake Michigan, on the line therefor, heretofore designated by the laws of this state, or anywhere further southward than said line: *And provided also*, That this section shall not be construed to restrict or prevent the construction of public roads or canals, or railroads or private ways, under, above, or across the road of said company, when deemed expedient, but so as not unnecessarily to obstruct the same; but the said Michigan Central railroad company shall be, and are hereby required to fix the eastern terminus and depot of their road within the limits of the city of Detroit: *Provided*, The said city shall furnish to the company without charge or cost to said company, the right of way upon any of the public streets for their track, for the passage of engines and trains within said limits, leading to said terminus; for which purpose the common council of the city of Detroit may grant the use of the public streets, under such restrictions only as that such streets shall not be unnecessarily obstructed nor the grade unnecessarily altered thereby.

Sec. 6. The said company, and under their direction, their agents, servants and workmen, are hereby authorized and empowered, to enter into and upon the lands and grounds of, or belonging to the state, or to any person or persons, bodies politic or corporate, and to survey and take levels of the same, or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for making said railroad, with one or more sets of tracks or rails, and for all the purposes connected with said railroad, for which the said company, by the last preceding section, is authorized to take, have or appropriate any lands, and to sell and cut down all timber and other trees, standing or being within one hundred feet on each side of said line of railroad; the damages occasioned by the felling of such trees, unless otherwise settled, to be assessed and paid in manner hereinafter provided for assessing and paying damages for land taken for the use of said company; and also, to make, build, erect and set up in and upon the route of said railroad, or upon the land adjoining or near the same, all such works, ways, roads and conveniences as may be requisite and convenient for the purposes of said railroad; and also, from time to time, to alter, repair, amend, widen or enlarge the

And proviso

Eastern termination.

Proviso.

May enter upon lands.

May cut down timber

May erect works &c.

same, or any of the conveniences above mentioned, as well for the carrying or conveying goods, commodities, timber or other things to, and upon the said rail road, as for carrying or conveying all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening or enlarging the works of, or connected with said railroad, and to contract or agree with the owner or owners thereof, for earth, timber, gravel, stone, or other materials, or any articles whatsoever, which may be wanted in the construction or repair of said road, or any of its works and appurtenances; and also, to make, repair, maintain and alter any fences or passages under or through the said railroad, or which shall communicate therewith, and to construct, erect, and keep in repair any piers, arches, or other works in and upon and across any rivers or brooks, for making, using or maintaining the said railroad and side paths, and also to construct, make and do all other matters and things which may be necessary and convenient for making, effecting and preserving, improving, completing and using the said railroad, in pursuance of, and within the true intent and meaning of this act; they, the said company, doing as little damage as possible in the execution of the several powers to them hereby granted; and making satisfaction in manner hereinafter mentioned, for all damages to be sustained by the owners or occupiers of said lands, tenements and hereditaments.

Sec. 7. The said company shall have power and authority to receive, take and hold all such voluntary grants and donations of land and real estate for the purpose of said railroad as may or shall be made to said company, to aid in the construction, maintainance and accomodation of said railroad; and said company may contract and agree with the owners or occupiers of any lands upon which said company may wish to construct the said railroad or way, or which said company may wish to use or occupy for the purpose of excavation, or of procuring stone, sand, gravel, earth or other materials to be used in embankments, or otherwise in or about the construction, repair or enjoyment of said railroad, or which said company may wish to use or occupy in any manner, or for any purpose or purposes connected with said railroad, for which said company is authorized or empowered by this act to take, have or appropriate any lands, and to receive and take grants and conveyances of any or all such lands,

May take  
voluntary  
grants.

May agree  
with owners

When can-  
not agree.

Notice of  
application  
to be given.

Notice to  
describe the  
land.

How evi-  
dence may  
be perpetu-  
ated.

Duties of  
com'r or  
judge.  
Clerk to  
draw jury.

and of any or all interests or estate therein to them and their suc-  
cessors or assigns in fee or otherwise; and in case said company cannot  
agree with the owners or occupiers of such lands as aforesaid, so as  
to procure the same by the voluntary deed or act of such owners or  
occupiers thereof, or if the owners or occupiers, or either or any of  
them be a femme covert, under age, non compos mentis, unknown  
or out of the county in which the land or property wanted may lie or  
be situate, application may be made to the circuit court commissioner  
or either of the associate judges of such county in which the lands are  
situate, or a judge of the supreme court, previous notice of such appli-  
cation having been given to the owner or occupier of the land to be  
taken, either by personal service of such notice ten days before ma-  
king such application, or by public advertisement for three weeks  
previous to such application, in some newspaper printed in the same  
county if there be one, and if there be none so printed in the same  
county, then such notice to be published in a newspaper printed in  
an adjoining county, if there be any newspaper printed in an ad-  
joining county, and if there be no paper so printed in an ad-  
joining county, such notice to be published in the state paper, if there  
be one, and if there be none, then in some paper printed in the city  
of Detroit; such notice to describe the land proposed to be taken by  
the company, or touching which damages are to be assessed by the  
section and quarter section, or any other legal sub-division, or if in a  
city or village, by the section, block and number of the lot, or by  
some other suitable and proper description; and evidence of the pub-  
lication of such notice may be perpetuated by an affidavit duly made  
by the printer or publisher of the newspaper in which such notice  
was published; such affidavit to be made within three months after  
the last publication of such notice, shall be prima facie evidence of  
the facts therein set forth; and the commissioner or judge to whom  
such application shall be made, shall thereupon proceed to the office  
of the clerk of said county, and direct him to draw twelve names from  
the petit jury box of the county, and the clerk shall thereupon draw  
twelve names from such box accordingly; and the said judge or cir-  
cuit court commissioner, to whom such application was made, shall  
thereupon issue his warrant under his hand and seal, inserting there-  
in the twelve names so drawn by the clerk, and the twelve names so  
drawn from the petit jury box, shall be thereupon deposited again by



the clerk in said box, and the warrant so issued as aforesaid, shall be directed to the sheriff of said county, or if the sheriff be interested, then to one of the coroners of said county, requiring him to summon the twelve persons whose names are inserted in such warrant, as jurors, to meet on or near the land or property, or materials to be valued, or touching which are damages to be assessed, on a day named in said warrant, not less than five nor more than ten days after the issuing of the same; and if at the said time and place any of the persons summoned do not attend, the said sheriff or coroner shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of twelve jurors, and from whom each party, or his, her or their agent or attorney, or if either be not present in person or by agent, the sheriff or coroner for him, her or them, may strike off three jurors, and the remaining six shall sit as a jury of inquest of damages, and before they shall act as such, the sheriff or coroner shall administer to each of them an oath or affirmation, that they will justly and impartially value the damages which the owners or occupiers have sustained or will sustain by the use or occupation of the land, or the taking of the materials or other property required by the said company; and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and two originals of such inquisition shall be made and executed on the same day; one of which shall be delivered to the said company, and the other to the party claiming compensation; and the property taken, and the boundaries of the land taken or occupied by the said company, touching which the inquisition is made, and a map thereof shall be set forth in such inquisition; and such inquisition shall be filed in, and shall also be confirmed by the circuit court of said county, at its next session, upon motion for that purpose made, if no sufficient cause to the contrary be shown, and when confirmed, the same shall be recorded by the clerk of such court at the expense of said company; but if not confirmed, another inquisition may be taken in the manner above specified, and costs on such second inquisition shall be awarded by the court in their discretion, to be paid by either party: *Provided*, That in the taking of any inquisition authorized by this section, it shall be competent for said company and said owner or occupier, or either of them, to appear before said jury and introduce evidence un-

Either party  
may strike  
out 3 jurors

Inquisition  
to be in writ-  
ing.

Inquisition  
to be con-  
firmed.

Proviso.

When property to vest in company

When money to be deposited with state treasurer.

When execution may issue.

der the ordinary rules of law, the foreman of the jury being hereby authorized to administer the proper oath therefor. And the money so assessed as the valuation in any such inquisition, by the jury aforesaid, being paid or legally tendered to the party entitled to the same, or deposited with the state treasurer, subject to the order of the court confirming the inquisition as aforesaid; the property so taken and valued shall immediately thereupon vest in said company as fully as if the same had been transferred by lawful deed, by the owner or occupyer thereof, for such term of time as the same may be required for the purposes authorized by this act; and in case the party entitled to receive such money shall not appear before the jury which makes the inquisition, and make claim to such lands, or shall not appear to demand or accept the money assessed as the valuation in any such inquisition, then a deposite with the treasurer of this state, of the amount of money assessed as the valuation or damages by any such inquisition, together with a certified copy of the inquisition, shall be considered equivalent to payment or a tender thereof to the person entitled to the same, and the state treasurer shall receive and keep account of all moneys so received into the state treasury, and shall pay them to the parties entitled thereto, on the order of the chancellor; and such inquisition when confirmed shall have the effect of a judgment, and execution may be ordered to issue thereon against said company in favor of the person to whom damages were awarded by such inquisition and confirmation thereof, at the expiration of sixty days from the time of such confirmation, unless prior thereto said company shall have satisfied the damages so found or assessed by such inquisition in manner aforesaid; and if, at any time it shall, by any means happen that said company shall be in possession or occupancy of any land, the title to which, or the full right of use and occupancy whereof, for the purposes of said company in manner aforesaid, shall not have been duly relinquished to, or vested in said company, then and in any and all such cases, said company may acquire such title or rights of use and occupation by voluntary grant thereof, or by inquisition thereupon and therefor, to be made and found, and the payment of the value or damages found or assessed in manner and form above prescribed; and the commissioner or judge issuing the warrant, and the sheriff and coroner and jurors to be sum-

moned under this act shall be entitled for the services rendered by them, to such compensation as may be fixed therefor by the chancellor, by an order for that purpose to be made by him, and which costs shall be paid by said company.

Sec. 8. Whenever in the construction of said rail road it shall be necessary to cross or intersect any established road, it shall be the duty of said company so to construct the said rail road across such established road as not unnecessarily to impede the passage of persons or property along the same; and when it shall be necessary to construct it through the lands of any individual, it shall be their duty to provide for such individual proper wagon ways and keep the same in repair across said rail road from one part of his land to another.

Railroad not to obstruct any established road.

To provide wagon ways

Sec. 9. If said company shall neglect to provide proper wagon ways across said rail road, and keep the same in repair as required by the preceding section of this act, it shall be lawful for any individual to sue such company, and to recover such damages as a jury may think him, her or them entitled to for such neglect or refusal on the part of said company.

Damages to individuals may be recovered.

Sec. 10. If it shall be necessary for the said rail road company, in the selection of the route or the construction of the said rail road to be by them laid out and constructed, or any part of it to connect the same with, or to cross any rail road, canal, dam or bridge made or erected by any incorporated company, or authorized by any law of this state, it shall be lawful for the said company to contract with such other corporation for the right to cross or use such road, canal, dam or bridge, or for the transfer of such of the corporate or other rights and privileges of such corporation to the said company hereby incorporated, as may be necessary in that respect, and every such other corporation acting under the laws of this state, is hereby authorized to make such contract or transfer by and through the agency of the persons authorized by the respective acts of incorporation to exercise their corporate power, or by any persons who are, by the laws of this state intrusted with the management and direction of such rail road, canal, dam or bridge, or any of the rights or privileges aforesaid, and every contract or transfer made in pursuance of the power and authority hereby granted, when executed by the several parties under their respective corporate seals, shall vest in the com-

May construct said railroad.

**Rates of toll** all and every person and persons using said road, the following tolls, to wit: For every score of hogs or sheep, ten cents; for every wagon drawn by two horses, mules or oxen, twenty-five cents; for every additional horse, mule or ox, five cents; for every cart drawn by two oxen, twenty-five cents; for every additional ox, five cents; for every horse or mule, rode, led or driven, ten cents; for every cart or carriage, on wheels, drawn by one horse, mule or ox, fifteen cents; for all sleighs or sleds, drawn by one or more horses, mules or oxen, half the toll for vehicles on wheels; for every horse or mule and rider, twelve cents; for every head of neat cattle, driven, three cents: *Provided*, That a proportionate amount of toll shall only be collected when the distance travelled is only over a part of said road.

**To detain persons, &c.** Sec. 11. It shall and may be lawful for any toll gatherer to stop and detain any person riding, leading or driving any cattle, horses, sheep, swine, or any article named in section ten as subject to pay toll, until the same shall be paid: *Provided, however*, That nothing in this act shall be construed to entitle the said corporation to demand or receive toll at any gate of or from any persons passing to or from public worship, or going to or returning from funerals, or going to or from a grist mill, for the grinding of grain for family use, or from any troops in the service of this state or the United States, or for the transportation of any and all the property belonging to the United States or this state.

**Power to make road.** Sec. 12. The said corporation, by virtue of this act, shall have power to make a road, as mentioned in section five, from a point on Shiawassee Avenue, in the village of Corunna, in said county of Shiawassee, where the same intersects the south line of Fraser street, in said village, to the village of Northampton, in Saginaw county, and power is hereby given to said corporation to extend said road, at any time within eight years, to any point on Bad River in said county of Saginaw, the distance from Northampton not to exceed ten miles. Said road may be constructed across or over any lands belonging to the state at the date of such survey and location mentioned in the seventh section of this act, and the said state of Michigan does hereby release to said corporation the right of way through said lands, together with the privilege of entering upon said lands, for the purpose of making the necessary surveys, and of constructing

may be lawful for the company to construct their railroad across or upon the same: *Provided*, That the said company shall restore the stream or watercourse, road or highway thus intersected or crossed, <sup>Proviso.</sup> to its former state, or in a sufficient manner not unnecessarily to impair its usefulness.

Sec. 14. The said company may annually or semi-annually make <sup>Dividends—when made.</sup> such dividend as they may deem proper, of the nett profits, receipts, or income of the said company, deducting the necessary expenses, and they shall make the dividend among the stockholders of the said company in proper proportions to their respective shares.

Sec. 15. It shall and may be lawful for the said company from time to time to fix, regulate and receive the tolls and charges taken <sup>Tolls and charges, how regulated.</sup> for the transportation of property and persons on said railroad, as aforesaid, hereby authorized to be constructed, erected, built, made, and used, and for storage of property remaining in the depots of said company, if not taken away as hereinafter provided: *Provided*, that <sup>Proviso.</sup> on and after the first day of July, eighteen hundred and forty-eight, or on the opening of said road to Lake Michigan, whichever may first occur, for the transportation of persons any less distance than the entire length of said road from Lake Michigan to the Detroit river, allowing to each, personal baggage, not more than one hundred pounds, said company shall not receive above the rate of three cents per mile, and ten cents in addition on distances not exceeding thirty miles—and that upon the following articles, to wit: Flour, grain, lime, salt, plaster, coal, nails in kegs, iron, mill irons and castings, fish in barrels or half barrels, lumber, sugar in boxes or in casks not less than a barrel, molasses in hogsheds or barrels, pot and pearl ashes, beef, pork, and wool packed in sacks: *Provided*, That the prices <sup>2nd proviso</sup> charged upon flour and grain shall never exceed three-fourths of the prices charged for the transportation of the same articles by the State of Michigan on the first day of January, eighteen hundred and forty-six, on the Central Railroad, and no greater sums or tolls shall be charged for transportation per mile thereof, than during the months of September and October last, were charged and taken upon the respective articles aforesaid, upon the following rail roads in New England, to wit: The Boston and Lowell, Boston and Providence, and the Boston and Worcester railroads, the

average of the prices and tolls then charged and taken upon the three roads aforesaid, upon the above named respective articles, when transported upon either of said roads exclusively, shall be the maximum price the said company shall be allowed to charge or take upon any of said articles unless with the consent of a majority of the following state officers, viz: The Secretary of State, Auditor and Attorney General; and no greater price shall be charged for wheat in sacks or barrels per pound, than is charged for flour the same distance per pound; and the average price charged upon the said New England roads shall be determined by a committee consisting of one or more of the said state officers, together with one or more (but not more than an equal number) of the directors of said company, who if they disagree, may add another person to their number; and in case such committee shall not agree upon and fix the rates and tolls so as aforesaid, then the same may be fixed upon the basis aforesaid, on the application of the state by the court of chancery—and if required by a law or resolution of the legislature, the rates and sums to be charged and received by said company for the transportation of the aforesaid articles of flour, grain, lime, salt, plaster, coal, nails in kegs, iron, mill irons and castings, fish in barrels and half barrels, lumber, sugar in boxes, or in casks not less than a barrel, molasses in hogsheads or barrels, pot and pearl ashes, beef, pork, and wool packed in sacks, shall be reviewed when so required by the legislature, but not more frequently than once in ten years, and made to correspond with the average tolls and rates charged on the aforesaid New England railroads during the twelve months next preceding the first day of January, of the year in which such review shall be ordered by the legislature, which rates shall always be determined and fixed in the manner above provided for, first fixing and establishing the same; and said company shall not at any time charge for the transportation of persons or property any less distance than the entire line of said railroad, any greater sums or tolls per mile than may then be charged by said company, on that portion of said railroad between Ypsilanti and Detroit; and if said company shall charge and receive more than the rates and sums so fixed, for so doing in each case it shall forfeit and pay to the state of Michigan, the sum of one hundred dollars; and until the taking effect of the tolls and rates provided for by the

No greater price to be charged for wheat per lb than for flour.

When rates may be reviewed.

foregoing provisions, said company shall charge no greater sums or tolls for the transportation of persons or property than were charged or authorized by the State of Michigan to be taken on the Central railroad on the first day of January last; and said company shall transport merchandize and property on the said road without showing partiality or favor, and with all practicable dispatch, under a penalty for each violation thereof of one hundred dollars, to be recovered by the party aggrieved in an action of debt: *Provided nevertheless*, that soldiers, sailors and marines, and their officers, in the service of this state or of the United States, and officers of the army and navy of the United States, and arms, ordnance and military stores and munitions of war, shall upon request made by the proper authority, take priority and precedence, first in favor of this State, and secondly in favor of the United States, and shall be transported upon said railroad before and in exclusion of all other persons and property.

Sec. 16. The said company may charge and collect a reasonable sum for storage upon all property which shall have been transported by them, upon delivery thereof at any of their depots, and which shall have remained in any of their depots more than four days: *Provided*, that elsewhere than at their Detroit depot, the consignee shall have been notified, if known, either personally, or by notice left at his place of business or residence, or by notice sent by mail, of the receipt of such property, at least four days before any storage shall be charged; and at the Detroit depot, such notice shall be given twenty-four hours, (Sundays excepted) before any storage shall be charged, but such storage may be charged, after the expiration of said twenty-four hours, upon goods not taken away: *Provided*, <sup>May charge storage.</sup> That in all cases the said company shall be responsible for goods in deposite in any of their depots, awaiting delivery, as warehouse-men, and not as common carriers. And if said company shall charge or take any remuneration for storage of goods otherwise than as aforesaid, it shall forfeit and pay to the state of Michigan, in each case for so doing the sum of fifty dollars. <sup>Penalty for making illegal charges.</sup>

Sec. 17. Said company shall have power and authority to own, charter or hire, and to employ and use, in the navigation of the lakes and rivers and waters connecting the same, and the ports thereof, boats or vessels, propelled by steam or other power, not to exceed <sup>Boats and vessels.</sup>

eight in number, for the purpose of the transportation and carriage of persons and property to and from the ports upon the said waters. And said company may demand and receive such rates, prices and remuneration for the transportation of persons and property, on such boats or vessels, as to it shall seem meet and proper. And said company shall have full authority to purchase, contract for, construct, repair, manage, control, sell, and dispose of any and all such boats and vessels as are contemplated in this section, and to exercise any and every such power in relation to any and all such boats or vessels as an individual person might or could lawfully exercise in regard thereto.

Rail roads  
may be con-  
structed in  
the city of  
Detroit.

Sec. 18. The city of Detroit, or any owner or owners of property in said city, or any association of its citizens, duly authorized by the corporation of said city, shall have the power to lay down or construct a track or rail road along the streets in front of and near the Detroit river, for the purpose of conveying property to and from said rail road, which may be consigned to any of the warehouse-men in the city of Detroit; and that said track or rail road may intersect (under the direction of said company.) the track of said rail road company, at or near the general depot at the eastern termination of the road, and said company shall at all times permit the owners or consignees of property in said city to take the cars containing the property to them consigned to their respective ware-houses upon said track: *Provided*, That any car so taken shall be returned without unnecessary delay: *And provided further*, That whenever it shall be necessary for the convenience of the public or persons receiving or sending property by said rail road, the said company shall permit side tracks to intersect their main road at any depot on or along the line of said road, and that such persons shall be entitled to have any property taken from such side tracks, under the directions and regulations of said company without unreasonable delay. And for the non-performance by said company of any act by this proviso required to be done, said company shall forfeit and pay to the party aggrieved the sum of fifty dollars in each case, to be recovered in an action of debt.

Proviso.

Sec. 19. The said company, within three years from the time when the franchises granted by this act shall vest in said company, shall



construct, complete and put in operation for the transportation of persons and property, that portion of the aforesaid line of said railroad by this act authorized to be constructed, which extends from the village of Kalamazoo, in the county of Kalamazoo, to Lake Michigan, and shall place on the entire main line of said road between Kalamazoo aforesaid, and Lake Michigan aforesaid, an iron rail of such dimensions that it shall weigh not less than sixty pounds to the yard thereof; and in case the said company shall not within the three years aforesaid, construct, complete and put in operation with an iron rail of the dimensions and weight aforesaid, the entire line of said railroad between Kalamazoo aforesaid, and Lake Michigan aforesaid, the said company shall forfeit and pay to the state of Michigan the sum of twenty-five thousand dollars, and for each and every year thereafter which shall transpire before said company shall construct, finish and put into operation as aforesaid, with an iron rail of the dimensions and weight aforesaid, the entire line of said railroad between Kalamazoo and Lake Michigan aforesaid, the said company shall forfeit and pay to the state of Michigan, the sum of twenty-five thousand dollars, for each and every such year or years respectively.

A portion to be constructed within 3 years.

Iron rails.

Penalty.

Sec. 20. The said company, within two years from the time when the franchises granted by this act shall vest therein, shall re-construct the first fifty miles of the main line of their said railroad west of Detroit, and place on the entire main line of said fifty miles, an iron rail of such dimensions that it shall not weigh less than sixty pounds to the yard thereof; and upon failure so to re-construct said railroad to the extent aforesaid, within the time aforesaid, and to place thereon an iron rail of the weight and dimensions aforesaid, said company shall forfeit and pay to the state of Michigan, the sum of fifty thousand dollars, and for each and every year thereafter, which shall transpire before said company shall re-construct the first fifty miles of their said railroad next west of the Detroit river, and place thereon an iron rail of the dimensions and weight aforesaid, the said company shall forfeit and pay to the state of Michigan the sum of fifty thousand dollars, for each and every such year respectively; and whenever it shall become necessary to renew or replace the rail upon said railroad, between the city of Detroit and Kalamazoo aforesaid, the new rail to be placed upon said portion of said road between

A part to be reconstructed in 2 years

Penalty.

Weight of new rails.

Detroit and Kalamazoo shall be an iron rail of such dimensions that it shall weigh not less than sixty pounds to the yard thereof; but this shall not be construed to extend to the ordinary repairs of said track:

*Provide in case of war.*

*Provided,* That in case there should be war between the United States and any European power, the time during which such war shall continue, shall be excluded in computation of the time when penalties shall accrue under this and the next preceding section.

*Read to be kept open.*

Sec. 21. From the time when the franchises granted by this act shall vest in said Michigan Central Railroad Company, said company thenceforth, and ever afterward (save on the first day of the week, or in case of accident which shall prevent.) shall keep open for public use, for the transportation of persons and property, under such by-laws as said company may lawfully make, so much of their railroad in this act mentioned and described, as shall extend from the city of Detroit to the village of Kalamazoo aforesaid; and so soon as said company shall have constructed and completed, and opened for the transportation of persons and property, that portion of their said railroad which shall extend from Kalamazoo aforesaid, to Lake Michigan aforesaid, thence and ever thereafter (save on the first day of the week, or in case of accident which shall prevent) said company shall keep in repair and open for the public use, for transportation thereon of persons and property, under such by-laws and regulations as said company may lawfully make, an entire line of railroad from some point not more than six thousand feet from the termination of Woodward avenue, on the Detroit river, in the city of Detroit, to Lake Michigan; the said company shall not engage in the business of purchasing for sale, produce, or any other merchandize or commodity, nor be directly or indirectly interested in the profit or loss of any such business;

*Co. not to engage in the purchase for sale, produce or other merchandize.*

*Weight of rails after 1st January, 1856.*

and from and after the first day of January, eighteen hundred and fifty-six, there shall not be on the entire principal line of the railroad of said company, any rail, which, when placed upon the said road, was of weight less than sixty pounds to the yard thereof; and every violation or infraction of the provisions of this section, unless the same shall be occasioned by an act of Providence, or of a public enemy, or by a domestic insurrection, or accident which shall prevent, shall subject said company to a penalty of one thousand dollars, to be paid to the state of Michigan; and after the completion and open-

*Penalty.*

ing of said road to Lake Michigan, the said company shall always keep and have upon the said road a supply of motive power and cars, both for persons and property, sufficient for the expeditious and convenient transaction of all business, and transportation of all persons and property offering for transportation thereon, according to the usual course of business upon the line and route of said road; and this under a penalty to the state of Michigan of five thousand dollars in each case, for neglecting for the space of thirty days to comply with the provisions of this clause.

Sec. 22. The corporate stock of said company shall be five millions of dollars, with the privilege of increasing the same to eight millions of dollars, and to be divided into shares of one hundred dollars each, which shares shall be transferable on the books of said company, in such manner as the by-laws of said company shall direct: *Provided*, That the said company may commence business whenever two millions of said stock shall have been subscribed.

Sec. 23. The nine persons first named in the first section of this act, shall be the first directors of said Michigan Central Railroad Company; and at their first meeting they shall elect by ballot one of their number to be president, a majority of whom shall be competent to manage the affairs of the company; such first meeting of the directors shall be held at a time and place to be fixed by a written agreement signed by all of said directors, or at a time and place designated by a notice to be signed by a majority of said directors, and published daily in any newspaper printed in Boston, New York or Detroit, fifteen days next preceding the time for such meeting.

Sec. 24. Said directors, or a majority of them, may open books to receive subscriptions to the capital stock of said company, at such times and places as they or a majority of them may appoint, and shall give such notice of the times and places of opening said books as they may deem reasonable, and shall receive such subscriptions under such regulations as they may adopt for the purpose: *Provided*, That books shall be opened in the city of Detroit within one year, and as soon as books are opened elsewhere, for subscriptions by citizens of Michigan to the stock of said company, not to exceed three hundred thousand dollars in amount; but no person shall be entitled to take of said three hundred thousand dollars of stock so to be subscribed, more than

der the ordinary rules of law, the foreman of the jury being hereby authorized to administer the proper oath therefor. And the money so assessed as the valuation in any such inquisition, by the jury aforesaid, being paid or legally tendered to the party entitled to the same, or deposited with the state treasurer, subject to the order of the court confirming the inquisition as aforesaid; the property so taken

When property to vest in company

and valued shall immediately thereupon vest in said company as fully as if the same had been transferred by lawful deed, by the owner or occupyer thereof, for such term of time as the same may be required for the purposes authorized by this act; and in case the party entitled to receive such money shall not appear before the jury which makes the inquisition, and make claim to such lands, or shall not appear to demand or accept the money assessed as the valuation in any

When money to be deposited with state treasurer.

such inquisition, then a deposit with the treasurer of this state, of the amount of money assessed as the valuation or damages by any such inquisition, together with a certified copy of the inquisition, shall be considered equivalent to payment or a tender thereof to the person entitled to the same, and the state treasurer shall receive and keep account of all moneys so received into the state treasury, and shall pay them to the parties entitled thereto, on the order of the chancellor; and such inquisition when confirmed shall have the effect of

When execution may issue.

a judgment, and execution may be ordered to issue thereon against said company in favor of the person to whom damages were awarded by such inquisition and confirmation thereof, at the expiration of sixty days from the time of such confirmation, unless prior thereto said company shall have satisfied the damages so found or assessed by such inquisition in manner aforesaid; and if, at any time it shall, by any means happen that said company shall be in possession or occupancy of any land, the title to which, or the full right of use and occupancy whereof, for the purposes of said company in manner aforesaid, shall not have been duly relinquished to, or vested in said company, then and in any and all such cases, said company may acquire such title or rights of use and occupation by voluntary grant thereof, or by inquisition thereupon and therefor, to be made and found, and the payment of the value or damages found or assessed in manner and form above prescribed; and the commissioner or judge issuing the warrant, and the sheriff and coroner and jurors to be sum-

moned under this act shall be entitled for the services rendered by them, to such compensation as may be fixed therefor by the chancellor, by an order for that purpose to be made by him, and which costs shall be paid by said company.

Sec. 8. Whenever in the construction of said rail road it shall be necessary to cross or intersect any established road, it shall be the duty of said company so to construct the said rail road across such established road as not unnecessarily to impede the passage of persons or property along the same ; and when it shall be necessary to construct it through the lands of any individual, it shall be their duty to provide for such individual proper wagon ways and keep the same in repair across said rail road from one part of his land to another.

Railroad not to obstruct any established road.

To provide wagon ways

Sec. 9. If said company shall neglect to provide proper wagon ways across said rail road, and keep the same in repair as required by the preceding section of this act, it shall be lawful for any individual to sue such company, and to recover such damages as a jury may think him, her or them entitled to for such neglect or refusal on the part of said company.

Damages to individuals may be recovered.

Sec. 10. If it shall be necessary for the said rail road company, in the selection of the route or the construction of the said rail road to be by them laid out and constructed, or any part of it to connect the same with, or to cross any rail road, canal, dam or bridge made or erected by any incorporated company, or authorized by any law of this state, it shall be lawful for the said company to contract with such other corporation for the right to cross or use such road, canal, dam or bridge, or for the transfer of such of the corporate or other rights and privileges of such corporation to the said company hereby incorporated, as may be necessary in that respect, and every such other corporation acting under the laws of this state, is hereby authorized to make such contract or transfer by and through the agency of the persons authorized by the respective acts of incorporation to exercise their corporate power, or by any persons who are, by the laws of this state intrusted with the management and direction of such rail road, canal, dam or bridge, or any of the rights or privileges aforesaid, and every contract or transfer made in pursuance of the power and authority hereby granted, when executed by the several parties under their respective corporate seals, shall vest in the com-

May construct said railroad.

pany hereby incorporated, all such rights and privileges, and the rights to use and enjoy the same as fully as they are used and enjoyed by the said corporation in whom they are now vested.

May charge  
for tolls and  
transportation.

Sec. 11. The said company shall have power to purchase with the funds of the company, or contract for and place on any rail road constructed by them under this act, all machines, wagons, carriages or vehicles of any description which they may deem necessary and proper for the purposes of transportation on said rail road, and they shall have power to charge for tolls and transportation such sums as shall be lawfully established by the bye-laws of said company; and it shall not be lawful for any other company, or any other person or persons, to transport any passengers, or merchandize, or property of any description whatever, upon said rail road or any part of it, without the license or permission of said company; and the said rail road with all its improvements, works and profits, and all machinery used on said rail road for transportation, and all the machine shops, depots, buildings and edifices connected with said rail road, shall be vested in the said company forever—and the shares of the capital stock of said company shall be considered personal property, and shall be transferable on the books of said company, agreeably to the bye-laws of said company, and subject to be taken in execution agreeably to such laws as are or may be hereafter in force.

Shares considered personal property.

Tolls and dues.

Sec. 12. The said company shall have full power and authority to demand and recover and take the tolls or dues to and for their own proper use and benefit on all goods, merchandize and passengers using or occupying the said railroad, or any other convenience, erection, or improvement built, occupied or owned by the said company, to be used therewith, and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken, and carried on the same, as well as the manner of collecting all tolls and dues on account of transportation and carriage, and storage, and shall have full power to erect and maintain such toll houses and other buildings for the accommodation and proper transaction of their business as to them may seem necessary.

May cross  
roads and  
streams of  
water.

Sec. 13. Whenever it shall be necessary for the construction of their railroad to intersect or cross any stream of water or watercourse or road or highway lying on the route of said railroad, it shall or

may be lawful for the company to construct their railroad across or upon the same: *Provided*, That the said company shall restore the stream or watercourse, road or highway thus intersected or crossed, *Provide*, to its former state, or in a sufficient manner not unnecessarily to impair its usefulness.

Sec. 14. The said company may annually or semi-annually make *Dividends—when made.* such dividend as they may deem proper, of the nett profits, receipts, or income of the said company, deducting the necessary expenses, and they shall make the dividend among the stockholders of the said company in proper proportions to their respective shares.

Sec. 15. It shall and may be lawful for the said company from time to time to fix, regulate and receive the tolls and charges taken *Tolls and charges, how regulated.* for the transportation of property and persons on said railroad, as aforesaid, hereby authorized to be constructed, erected, built, made, and used, and for storage of property remaining in the depots of said company, if not taken away as hereinafter provided: *Provide*, that on and after the first day of July, eighteen hundred and forty-eight, or on the opening of said road to Lake Michigan, whichever may first occur, for the transportation of persons any less distance than the entire length of said road from Lake Michigan to the Detroit river, allowing to each, personal baggage, not more than one hundred pounds, said company shall not receive above the rate of three cents per mile, and ten cents in addition on distances not exceeding thirty miles—and that upon the following articles, to wit: Flour, grain, lime, salt, plaster, coal, nails in kegs, iron, mill irons and castings, fish in barrels or half barrels, lumber, sugar in boxes or in casks not less than a barrel, molasses in hogsheads or barrels, pot and pearl ashes, beef, pork, and wool packed in sacks: *2nd provide* *Provide*, That the prices charged upon flour and grain shall never exceed three-fourths of the prices charged for the transportation of the same articles by the State of Michigan on the first day of January, eighteen hundred and forty-six, on the Central Railroad, and no greater sums or tolls shall be charged for transportation per mile thereof, than during the months of September and October last, were charged and taken upon the respective articles aforesaid, upon the following rail roads in New England, to wit: The Boston and Lowell, Boston and Providence, and the Boston and Worcester railroads, the

company for all dues or demands against said company to the amount of one hundred dollars, originally contracted within this state, which, after said lien of the state shall take precedence of all other debts or demands, judgments or decrees, liens or mortgages against said company.

Persons in-  
juring works  
of the co  
shall be gull  
ty of a mis-  
demeanor

Sec. 35. If any person shall intentionally do or cause to be done, or aid in doing or causing to be done, any act or acts whatever, whereby any building, construction or work of said company, or any engine, machine or structure, or any matter or thing appertaining to the same shall be stopped, obstructed, impaired or weakened, injured or destroyed, the person or persons so offending, shall be guilty of a misdemeanor, and may be punished upon conviction, by fine or by imprisonment not exceeding five years, or both, at the discretion of the court; and shall forfeit and pay to said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said company, with costs of suit, by action of trespass.

State may  
purchase  
road

Sec. 36. The state may, at any time after the first day of January, eighteen hundred and sixty-seven, purchase, and take from said company, said rail road, and all the property, effects and assets of said company, and said rail road and the appurtenances thereof, and all the estate, property, effects and assets of said company, (subject to all existing mortgages or other liens thereon on account of loans, the proceeds of which shall have been invested in the said road and other works of said company) shall fully and forever vest in and become the estate, property and effects of the state, to all intents and purposes, so soon, and whenever after the day aforesaid, the state shall

Value, how  
determined

pay, or cause to be paid to said company, the value of the entire stock of, and shares in said company, at the market value of such stock or shares, and ten per cent. in addition to such market value of said stock or shares; such market value to be ascertained by taking the average of the public sale prices of said stock or shares, as made in the city of Boston, in Massachusetts, and in the city of New York, in the state of New York, during the twelve months next preceding the first day of January, in the year in which the state shall so purchase; but in no case shall the amount to be paid be less than the amount of capital actually paid in by the stockholders of said com



pany; and in case the state and said company cannot agree upon the market value of said stock or shares, the supreme court of this state shall be competent to determine the same, upon application therefor to be made to said court within six months after the state shall elect to purchase; and the monies so to be paid to said company shall be payable at the treasury of the state of Michigan, in lawful current money of the United States, within two years after the time when the state shall elect to purchase, and the amount to be paid shall have been determined, as herein provided, upon three months previous notice of the time of such payment, to be published weekly, in one or more newspapers published in the city of Detroit, or at the capitol of the state of Michigan; and thereupon the corporate powers and franchises of said company shall wholly cease, and the rights and franchises vested, or which may vest in said company under or by virtue of this act; shall not in any manner be prejudiced or affected save as herein provided, or by judicial proceedings, or by a re-purchase of said railroad, to be made by the state in manner aforesaid: *Provided*, That wherever in this act provision is made for a penalty to accrue, for the doing or not doing any act, said company shall in no wise be prejudiced by the doing or not doing of such act, except by the enforcement of such penalty.

Sec. 37. All lands and property, and rights and interests therein, <sup>Property so</sup> acquired by said company, by purchase or otherwise, in case of the <sup>vest in the</sup> re-purchase of the railroad of said company by the state, shall become vested in the state in as full and ample a manner as the same were vested in, or exercised, or enjoyed by said company; and all deeds and conveyances, gifts and grants of real or personal property, to said company, and all inquisitions taken or had under this act, to which said company shall be a party, shall, in case of re-purchase, accrue to the state in the same and as full and ample a manner, as if the state had been the party to such deeds, conveyances, gifts, grants and inquisitions, instead of said company; and the state shall have full right and authority to have and use the same, and sell, assign and transfer the same to any person or persons whatever.

Sec. 38. Said company shall at all times, if required by the Post <sup>U States</sup> Office Department, transport the United States mail upon said road, <sup>mail</sup> as often as their cars shall pass thereon, not exceeding twice in each

day, for such compensation as shall be agreed upon by said company and the said department; and in case no such agreement can be made, then it shall be lawful for the Governor of this state to appoint two commissioners, and said company one, who, or a majority of them, shall agree upon and fix the prices, terms and condition for transporting such mail after fifteen days' notice to said company: *Provided*, That nothing herein contained shall be construed to require any of the vehicles of said company to wait at any office for change of mail.

Sec. 39. The state reserves the right at any time after thirty years from the passage of this act, by a vote of two-thirds of each branch of the legislature, to alter, amend or repeal the same; *Provided*, That said company shall be compensated by the state for all damages sustained by reason of such alteration, amendment or repeal.

Sec. 40. This act shall take effect and be in force from and after its passage.

Approved March 28, 1846.

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No. 43.

AN ACT to authorize Lucius Patterson to erect a dam across Flat River, in the county of Ionia.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Lucius Patterson, his heirs and assigns, are hereby authorized and empowered to erect and continue a dam across Flat River, in the county of Ionia: *Provided*, That the title of such lands is, at the time of erecting the said dam, vested in the said Lucius Patterson, or that he obtain the permission of the owner thereof.

Height of  
dam

Sec. 2. The said dam shall not exceed six feet in height above low water mark, and shall have a good and sufficient sluice or apron of convenient width and dimensions to admit the safe passage of rafts of every kind down that river, and such boats and canoes as may navigate the same, which said sluice or apron shall be kept in good repair by the person or persons using said dam; and the occupant of said dam shall construct therein or thereat, a convenient lock for the safe passage of boats, canoes, rafts or other water craft, whenever the

circuit court of said county shall order the same to be done upon good cause shown.

Water may be taken for purposes of int imp.

Sec. 3. If at any time hereafter, the water should be required to be drawn from said river for the purpose of internal improvement or navigation, it shall not be lawful for the said Lucius Patterson, or any other person or persons owning said dam, to claim or recover any damages therefor.

Sec. 4. Nothing in this act shall be so construed as to authorize the persons above named, their heirs or assigns to enter upon or flow the lands of any person or persons.

Sec. 5. The legislature may at any time alter, amend or repeal this act.

Approved March 31, 1846.

No. 44.

AN ACT to authorize Josiah Russell, Thomas H. Myers, and Ira Porter to erect a dam across Flat River, in the county of Montcalm.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Josiah Russell, Thomas H. Myers, and Ira Porter, their heirs and assigns, are hereby authorized to erect and continue a dam across Flat river, in the county of Montcalm, in township ten north, of range number eight west: *Provided*, That the title of such lands is at the time of erecting of said dam, vested in the said Josiah Russell, Thomas H. Myers, and Ira Porter, or that they shall obtain permission of the owners thereof.

Erection of dam

Sec. 2. The said dam shall not exceed six feet in height at low water mark, and shall have a good and sufficient sluice or apron of convenient width and dimensions to admit the safe passage of rafts of every kind down that river, and such boats and canoes as may navigate the same; which sluice or apron shall be kept in good repair by the persons using said dam; and the occupant of said dam shall construct therein or thereat a convenient lock for the safe passage of boats, canoes, rafts or other water craft, whenever the Circuit Court having jurisdiction in said county shall order the same to be done upon good cause shown.

Not to obstruct passage of vessels

Sec. 3. If at any time hereafter the water should be required to be drawn from said river for the purpose of internal improvement or

Water may be taken for the purpose of int imp

navigation, it shall not be lawful for the said Josiah Russell, Thomas H. Myers, and Ira Porter, or any other person or persons owning said dam to claim or recover any damages therefor.

Not authorized to flow lands

Sec. 4. Nothing in this act shall be so construed as to authorize the persons above named, their heirs or assigns to enter upon or flow the lands of any person or persons.

Sec. 5. The legislature may at any time amend or repeal this act.  
Approved March-31, 1846.

#### No. 45.

AN ACT to authorize the Supervisors of the county of Jackson to re-assess certain taxes returned to the treasurer of said county as delinquent in eighteen hundred and thirty-nine, and rejected by the Auditor General.

Supervisors to re-assess certain tax's

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Board of Supervisors of the county of Jackson be, and they are hereby authorized to re-assess upon the same lands respectively the several amounts of taxes illegally returned as delinquent by the collectors of the townships of Jackson, Leoni, and Napoleon, in said county, to the treasurer for the year eighteen hundred and thirty-nine, adding interest from the time of such delinquency.

Now construed.

Sec. 2. The preceding section shall not be so construed as to authorize the re-assessment of any such taxes upon any of the lands so returned which shall have been conveyed since the return of the same delinquent for taxes as aforesaid.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 31, 1846.

#### No. 46.

AN ACT to authorize the sale of a part of section sixteen, in the township of Pennfield, Calhoun county, for the purposes of a burying ground.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Commissioner of the State

Land Office be; and he is hereby authorized and empowered to sell to the trustees of the Pennfield Cemetery, and their successors in office, for the purposes of a burying ground, a quantity of land not exceeding two acres, in as near a square form as may be, either from the south east corner of the north east quarter of the north west quarter, or the north west corner of the south west quarter of the north east quarter of section sixteen, township one, south of range seven west, on the payment by said trustees to said Commissioner, the sum of ten dollars: *Provided*, In the opinion of said Commissioner, said sixteenth section will not be injured thereby. Com'r to make sale of certain lands.

Sec. 2. In case of said sale, a patent shall issue therefor as in other cases provided by the act to establish a land office.

Approved March 31, 1846.

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No. 47.

AN ACT to amend an act entitled "an act to authorize the sale of the Central Rail Road, and to incorporate the Michigan Central Rail Road Company" approved March twenty-eighth, one thousand eight hundred and forty-six.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section first of the act to which this is amendatory, be amended by striking therefrom the words "and in case of judgment against them they shall pay full costs." Also, that section five be amended by inserting after the words "paying or tendering therefor," the words "or depositing with the Treasurer of the State, subject to the order of the court which may confirm the inquisition of the jury." Also, that section thirty-eight be amended by striking therefrom the words "two commissioners, and said company one, who," and inserting in lieu thereof the words "one commissioner, and said company one, who, if they cannot agree, shall appoint a third, which said commissioners." Amendments.

Sec. 2. This act shall take effect and be in force whenever the written assent thereto of the said company, signed by a majority of the directors thereof, shall be deposited in the office of the Secretary of State. To take effect when co. assent thereto.

Approved April 1, 1846.

## No. 48.

## AN ACT to incorporate the Adrian Joint Stock Church Company.

Co incor-  
porated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Jesse Treadwell, James H. Woodbury, Jeremiah D. Thompson, Thomas Tabor, David Bixby, Allen B. Chaffer, Joseph H. Cleveland, Japheth Cross, Joseph C. Warner and Edgar A. Brown, their associates and successors, under the provisions of this act, are hereby created a body corporate by the name of the "Adrian Joint Stock Church Company," for the purpose of erecting and building a place of worship to be used by a Universalist society, with power to take for such purposes, by purchase, devise, or otherwise, and hold, transfer and convey, real and personal estate to the amount of ten thousand dollars.

Executive  
board.

Sec. 2. The direction and management of the concerns of the company, subject to such rules and limitations as shall be contained in the constitution thereof, not inconsistent with law, shall be vested in an executive board, to consist of a president, secretary and seven trustees, who shall be elected annually, on the first Monday of March in each year, by a majority of the stockholders present and voting; and the treasurer of said association shall be elected at the same time and in the same manner.

First officer's

Sec. 3. Thomas Tabor shall be the first president, Edgar A. Brown secretary, James H. Woodbury, treasurer, and Jesse Treadwell, Jeremiah D. Thompson, David Bixby, Allen B. Chaffer, Joseph H. Cleveland, Japheth Cross and Joseph C. Warner, shall be the first trustees of said company, who shall respectively hold their offices for one year, or until their successors shall be elected.

Corporation  
subject to a  
certain law.

Sec. 4. This corporation shall possess the powers and be subject to the provisions of the third chapter of title ten, of part one of the revised statutes, for the sole purpose of erecting and building a place of worship, to be used by a Universalist society, as provided in the first section of this act.

Sec. 5. This act may at any time hereafter be annulled, modified, or repealed, by the legislature of this state.

Approved April 7, 1846.

No 49.

**AN ACT** to provide for improving a certain state road from Flint, in the county of Genesee, to Ann Arbor, in the county of Washtenaw.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners of the several townships through which the state road from Flint, in the county of Genesee, to Ann Arbor, in the county of Washtenaw, may run, may expend upon the said road in their respective townships so much of the non-resident highway taxes of the said townships as they may deem proper, in the manner now provided by law. Non-resident taxes to be expended.

Sec. 2. This act shall take effect from and after its passage, and shall remain in force for the term of three years.

Approved April 7, 1846.

No. 50.

**AN ACT** to change the name of the village of Palmer, in the county of St. Clair.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the name of the village of Palmer, in the county of St. Clair, be, and the same is hereby changed to "St. Clair," and by that name shall hereafter be known and designated. Changed to St. Clair.

Sec. 2. In all deeds of real estate in said village, hereafter made, it shall be lawful to designate the same as situate in the village of St. Clair, and such deeds shall have the same force and effect, as if the plat of said village had been acknowledged and recorded as the village of St. Clair. To design'to real estate.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 7, 1846.

## No. 51.

## AN ACT to provide for the laying out of certain roads.

**Appointm't  
of com'rs.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Zebulon Dickinson, Enos Goodrich, and Nelson W. Clark, be, and they are hereby authorized and appointed commissioners to lay out and establish a state road commencing at a point or near the store of Orourk, in the town of Independence in the county of Oakland, thence on the most eligible route to some point at or near Wetherbee's Mills on Flint river, in the township of Richfield, in the county of Genesee.

Sec. 2. Hezekiah Mitchell, Nathaniel Strattan, Samuel Garwood, and John P. Johnson, be, and they are hereby authorized and appointed commissioners to lay out and establish a state road commencing at the village of Buchanan, in the county of Berrien, thence on the most eligible route to New Buffalo, in said county.

Sec. 3. Joseph Demont, John Engleright, Jesse Holmick and Jacob Stotler, be and they are hereby authorized and appointed commissioners to lay out and establish a state road commencing at the village of Buchanan, in the county of Berrien, thence on the most eligible route to the village of Berrien, in said county.

Sec. 4. John Reynolds, Hezekiah Mitchell, Joseph G. Ames, and John Dearmond, be, and they are hereby authorized and appointed commissioners to lay out and establish a state road commencing at the village of Buchanan, in the county of Berrien, thence on the most eligible route to some point on the state line on Terecoupee Prairie, best suited to connect with the Chicago Turnpike.

Sec. 5. That Abner Smith, George Judson and William Young, be, and they are hereby appointed commissioners to lay out and establish a state road by the most feasible and convenient route from the village of Corunna, in the county of Shiawassee, by the way of the village of Mount Pleasant, Holly, Groveland, Oxford, Lakeville, Romeo, to the village of St. Clair, in the county of St. Clair.

Sec. 6. That Jesse Hart, Lewis Belcher, and John R. Palmer, be and they are hereby appointed commissioners with power to examine the state road heretofore laid out from Albion to Charlotte, and if in their opinion the public good requires any alteration in said road, they are hereby authorized to make the same; said commissioners



are also authorized to lay out a state road from the village of Maren-go, which shall intersect said road from Albion to Charlotte, at a point where the public good shall require.

Sec. 7. So much of the survey of said last mentioned road or any alterations of the road first mentioned in the last preceding section as are embraced in any township through which the same may pass, shall be filed in the township clerk's office in said township, and entered of record by said township clerk. Survey to be filed in the p clerk's office

Sec. 8. The commissioners named in this act shall file the surveys of the above mentioned roads in the office of the township clerk of each township through which each of the above named roads shall pass, as shall be laid out in such township. Com'rs to file survey:

Sec. 9. That the state shall not be chargeable for laying out and establishing said roads, nor for any expenses whatever connected therewith; and this act shall be void as to such roads herein mentioned, as shall not be surveyed and laid out within three years from and after the passage of this act. State not to be chargeable

Sec. 10. It shall be the duty of the highway commissioners of the several townships through which the several roads may pass, which are established by this act, to cause the same to be opened agreeably to the actual survey, as ordered and established by the several commissioners named in the foregoing act, in the same manner as is provided by law for the opening of other highways in the several townships in this state. Duty of highway com'rs.

Sec. 11. This act shall take effect and be in force from and after its passage.

Approved April 7, 1846.

## No. 52.

AN ACT to authorize Amos Bronson and Elisha Doan to erect a dam across the St. Joseph River, in the county of St. Joseph.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be lawful for Amos Bronson and Elisha Doan, their heirs or assigns, and they are hereby authorized to erect and maintain a dam not exceeding five feet in

height above common low water mark, across the St. Joseph river, on section twenty-six, in township five, south of range number ten west, in the county of St. Joseph: *Provided*, That a convenient lock of not less than one hundred and twenty feet in length, and twenty-four feet in width, shall therein or therewith be constructed and kept in repair, for the passage of any water craft navigating the said river: *And provided further*, That such water craft shall be suffered to pass free from toll of any kind during the continuance of said dam.

Penalty for  
destroying

Sec. 2. Any person who shall destroy or in any wise injure said dam shall be deemed to have committed a trespass on the owners thereof and shall be liable accordingly, but nothing in this act contained shall be construed to affect the rights of individuals who may be injured by reason of the erecting or continuing said dam.

Water may  
be taken for  
int imp.

Sec. 3. If at any time hereafter the water should be required to be drawn from said river for the purpose of internal improvement or navigation, it shall not be lawful for the said Amos Bronson or Elisha Doan, or any person or persons owning or interested in said dam to claim or recover any damages therefor.

How con-  
strued.

Sec. 4. Nothing herein contained shall be construed to authorize the persons named in the first section of this act to raise the water in said river so high as to injure or in any manner interfere with any dam previously erected or in progress, or with any rights or privileges heretofore granted by the legislature to William H. Cross and Seth C. Hanchett or any other person or persons.

Sec. 5. The legislature of this state may at any time hereafter, alter, amend or repeal this act.

Approved April 7, 1846.

### No. 53.

AN ACT to attach the south half of section thirty and sections thirty-one, thirty-two and thirty-three, of town eight north, range two west, in the county of Clinton, to the township of Bingham, in said county, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that part of the township of

Greenbush, in the county of Clinton, known and designated as the south half of section thirty, and sections thirty-one, thirty-two and thirty-three, be, and the same is hereby attached to the township of Bingham, in said county. Part of Greenbush attached to Bingham.

Sec. 2. That the name of the township of Bristol, in the county of Lapeer, shall be, and the same is hereby changed to Almont.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 7, 1846.

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No. 54.

AN ACT legalizing the returns of delinquent taxes by the collectors or treasurers of the second, third, fourth, and fifth wards of the city of Detroit, for the year 1845.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the returns made by the collectors or treasurers of the second, third, fourth and fifth wards of the city of Detroit, for the year eighteen hundred and forty-five, be, and the same are hereby legalized so far as regards the time in which such returns were made, and the same effect shall be given to such returns as though made within the time required by law. Returns legalized.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 7, 1846.

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No. 55.

AN ACT to repeal part of an act entitled "an act authorizing the construction of a wagon road on the line of the northern railroad," approved March 9, 1843.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That so much of an act entitled "an act authorizing the construction of a wagon road on the line of the Northern Railroad," as authorizes the non-resident highway tax to be expended in the construction of said road in the counties of Clinton Shiawassee and Genesee, be, and the same is hereby repealed. Repealing clause.

Taxes to be  
paid high-  
way com'r.

Provido.

Sec. 2. Any non-resident highway tax or monies, which may have been or may hereafter be received by the several treasurers of the counties mentioned in the first section of this act, by virtue of the act authorizing the construction of a wagon road on the line of the Northern Railroad, shall be paid over to the highway commissioners of the several townships through which said road passes, to be expended by them according to law: *Provided*, Nothing herein contained shall be construed to interfere with the performance or payment of any contract heretofore made in pursuance of said act, or from the collection of a sufficient amount of taxes, and their proper application to the payment of all contracts already entered into by authority of law.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 7, 1846.

### No. 56.

AN ACT to provide for paying the Assistant Librarian and the Private Secretary of the Governor.

How paid

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there be, and is hereby appropriated out of the general fund, the sum of eight hundred dollars; and the State Treasurer is hereby authorized and directed, out of the above appropriation to pay the Assistant Librarian the sum of three dollars per day during the time he has been, or may be in the service of the state, to be paid on the certificate of the Secretary of State; and the Private Secretary of the Governor, the sum of three dollars per day during the time he has been and may be in the service of the state, to be paid on the certificate of the Governor.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 7, 1846.

## No. 57,

## AN ACT for the relief of Peter Godfroy.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Peter Godfroy (the holder of a certain certificate dated January sixteenth, eighteen hundred and forty-three, of sale to him of the following state building lands, to wit: the south half of lot number two of fractional section number twenty-five, in township seven, north of range twelve, west, containing twenty-two and a half acres, for the sum of three hundred and sixty dollars, upon which are endorsed payments to the amount of two hundred and twenty-eight dollars and eighty-seven cents) may within thirty days after the passage of this act, pay to the state any arrearage of monies due and heretofore payable by the terms of said contract, and upon such payment being made, said contract shall be valid in the same manner as though no default had been heretofore made in making payments according to the terms of said contract: *Provided*, said land has not been sold, or a certificate of purchase issued to any other person: *And provided further*, That at the time the state sold the said land to said Godfroy, the state was authorized to make such sale, and in case the state had no such authority to make such sale to said Godfroy, then the Auditor General shall issue his warrant to said Godfroy for the amount of moneys paid by the said Godfroy to the state on his said contract, with interest thereon from time of payment, which shall be paid from any money in the treasury not otherwise appropriated.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 7, 1846.

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No. 58.

AN ACT to provide for the assessment and collection of a specific state tax from the Farmers' and Mechanics' Bank of Michigan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the auditor general is hereby required to examine  
F & M bank

ed to investigate and fully examine into the affairs and condition of the Farmers' and Mechanics' Bank of Michigan, with a view to ascertain the value of its capital stock; and for that purpose he shall have access to the books and papers of said bank, and may examine upon oath any of its officers or directors, or any other person; and that the present value of the stock, as ascertained by him, shall be the basis for assessing and collecting the tax hereinafter specified: *Provided, however,* That the same shall in no event be estimated as worth less than two hundred and fifty thousand dollars.

Deduction of  
real estate.

Sec. 2. From the amount of the value of said capital stock, so ascertained, if it exceed two hundred and fifty thousand dollars, and if not, then from the last mentioned sum, the Auditor General shall deduct the amount of real estate actually owned by said bank, included in said valuation of capital stock, and liable to taxation for state, county, township, or other purposes, and the remainder shall, from and after the passage of this act, be deemed the capital stock of said bank for the purpose of the assessment of a specific state tax.

Bank to pay  
specific tax

Sec. 3. The said bank, after the first day of April, one thousand eight hundred and forty-six, shall pay a specific state tax of one half of one per cent. on said remainder of its capital stock, which shall be in lieu of all other taxes imposed on the capital stock of said bank, for state purposes, the real estate ascertained and deducted as above provided, being excepted from the operation of this act.

Tax to be  
paid state  
treasurer

Sec. 4. Such tax shall be paid to the treasurer of the state as follows: one half of the amount of such tax on or before the first Monday of October, and the other half on or before the first Monday of April in each year, except as hereinafter provided.

Time for  
which tax is  
to be paid

Sec. 5. The said bank shall pay a specific state tax for the year beginning on the first day of April, one thousand eight hundred and forty-five, and ending on the first day of April, one thousand eight hundred and forty-six, to be estimated according to the provisions of this act. From the amount of said tax shall be deducted the amount actually paid by the said bank for the same period, for state purposes, excepting therefrom the amount paid for taxes on real estate, and the remainder shall be deemed payable at the same time hereinafter provided for the first payment under this act.

Sec. 6. The Auditor General shall, within ten days after this act

shall take effect, make such examination and estimates, and deliver to the State Treasurer a statement of the said estimates, and also notify the president or cashier of the bank in writing, of his conclusion in the premises; and said bank shall, within thirty days thereafter, pay to the Treasurer of the State the amount of the specific state tax due from it, according to the provisions of this act; and such payments shall be deemed a satisfaction and discharge of its liability to the state for specific state taxes to the first day of April, one thousand eight hundred and forty-six.

Examination  
within ten  
days

Sec. 7. If the capital stock of said bank shall at any time hereafter be increased, such increased capital shall be liable to taxation in the manner hereinbefore set forth, for which purpose the cashier of said bank shall, within thirty days after any such increase, make and deliver to the State Treasurer a statement of such increased amount, duly verified by affidavit.

Increased  
capital liable  
to taxation

Sec. 8. This act shall take effect and be force from and after its passage.

Approved April 9, 1846.

No. 59.

AN ACT to establish the village of Dundee.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the following village plats laid by Sybrant Van Nest, on the south east fractional quarter of section thirteen, of township six, south of range six east, in the township of Dundee in the county of Monroe, as exhibited on the books of record in the office of the Register of Deeds in said county of Monroe, to wit: a certain plat exhibited as aforesaid, entered on said books the twelfth day of November, A. D. eighteen hundred and thirty-three, commencing with number one of lots on said plat and proceeding by progressive numbers so as to embrace number eighty-one on said plat. Also, a certain village plat laid out as aforesaid, on the north side of the River Raisin, entered on said books the twenty-fourth day of June, A. D. eighteen hundred and thirty-nine, commencing with number eighty-two of lots on said plat and proceeding by progressive numbers so as to embrace lot number three hundred and forty-nine on

Certain plats  
declared to  
be of force

said plat ; also, a certain plat on the south side of the River Raisin, exhibited on said books as entered on the said twenty-fourth day of June, A. D. eighteen hundred and thirty-nine, be, and are hereby declared to be of full force and effect to all intents and purposes in as full and ample a manner as if all the requisition of the law in relation to the acknowledgment of said plat had been fully complied with, and that all the tracts of lands exhibited by said plats, entered on the said books as aforesaid, are hereby declared to be town plats according to the true intent and meaning of said plats and the several acts regulating town plats, to all intents and purposes whatsoever.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 10, 1846.

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No. 60.

AN ACT to authorize the Commissioners of Highways for the township of Manchester, in Washtenaw county to discontinue and relocate a portion of the Clinton road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Commissioners of Highways for the township of Manchester, in Washtenaw county, be, and they are hereby authorized and empowered to discontinue and shut up so much of the territorial road, known as the Clinton road, as runs through section four, and to the centre of section five in that township, and to connect the two extremes of said road when so taken up, by laying out new roads, or portions of roads, where to them shall seem most essential and expedient, in the same manner as other roads may be laid out, altered or discontinued under the provisions of the revised statutes.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 11, 1846.



## No. 61.

AN ACT concerning returns of delinquent taxes of eighteen hundred and forty-five, from the county of Berrien.

*Whereas*, The transcript returns of unpaid taxes for the year Preamble eighteen hundred and forty-five, from the county of Berrien, did not reach the office of the Auditor General until the sixth day of April, instant, when they should have been forwarded so as to have been received at said office during the month of March, as the law provides, *Therefore*,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Auditor General shall re- Returns ceive the transcript returns of unpaid taxes for eighteen hundred and forty-five, from the county of Berrien, which reached his office on the sixth day of April, instant, and the said returns shall be as valid in law as though the same had been received at the Auditor's office during the month of March, according to law: *Provided*, the said returns are not otherwise defective or informal.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 11, 1846.

## No. 62.

AN ACT to provide for the determination of claims against the state for injuries to animals and other property occasioned by the running of cars and locomotives upon the Central and Southern railroads.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Board of State Auditors, in Board of auditors to settle claims addition to the several matters now referable to them for final adjustment by the provisions of existing law, shall have cognizance of and receive and determine all claims for damages growing out of injuries to the animals or other property of any person or persons, occasioned by or in any way arising from the use of the Central and Southern railroads, and the running of locomotives or cars upon said railroads or either of them, by or under the direction of the Board of Internal Improvement.

Duty of b'd  
of auditors.

Sec. 2. The said Board of Auditors, and the other proper state officers are hereby directed and required in the hearing and final adjustment of all claims referred to them by the provisions of this act, and in the payment of all such claims as may be duly allowed, to proceed therein at the times, in the manner, with the powers and under the restrictions designated, granted and defined in the act approved March eighth, eighteen hundred and forty-three, entitled "an act providing for the final adjustment of "all unsettled claims for damagrowing out of the internal improvements of the state," and the several acts amending the same: *Provided*, That unless specially directed otherwise by the Legislature, they shall in all cases sit as a legal body and decide upon such claims under the legal rules of evidence and upon the settled principles regulating courts of law.

Proviso.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 13, 1846.

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### No. 63.

AN ACT to establish a State Road from the village of Almont in the county of Lapeer, to Port Huron, in St. Clair county.

Com'rs appointed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Joshua Tompkins, Daniel B. Harrington, and James H. Andrews, of St. Clair and Lapeer counties be, and they are hereby appointed commissioners to lay out and establish a state road from the village of Almont, in the county of Lapeer, to the village of Port Huron, in the county of St. Clair, on the most direct and feasible route; and a copy of so much of the survey of said road as shall be within each township through which said road shall pass, shall be filed in the office of the township clerks of said townships, and the said township clerks shall record the same in like manner as township roads are recorded; and in case said road shall not be laid out in two years from the passage of this act, then the provisions of this section shall be void.

Expense not  
chargeable  
to state.

Sec. 2. No expense for laying out or establishing said road shall be paid out of the state treasury.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 15, 1846.

No. 64.

AN ACT to authorize the re-survey of the "Territorial road" from the village of Lapeer to the village of Rochester.

*Whereas*, A defect appears in the minutes of the survey of the above mentioned "Territorial Road," and a portion thereof not having been opened and worked, *Therefore*,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Nedham Hemmingway, Jesse Decker, and William Powell, of the county of Oakland, be, and they are hereby appointed commissioners to make a re-survey and establish the line of that part of the "Territorial Road," so called, running through the towns of Metamora and Lapeer, in Lapeer county.

Com'r to re-survey a certain road

Sec. 2. That the said commissioners or a majority of them, are authorized to make such alterations in the line of said road, as will benefit the public, by shortening the distance and lessening the expense of the construction thereof.

May make alterations.

Sec. 3. The commissioners as aforesaid shall cause within one year from and after the passage of this act, a survey to be made of that portion of said road running through the towns aforesaid, and make a diagram of such survey, with the courses and distances noted thereon, and also cause the line of said road as established by them to be plainly marked, which, when done, shall be the line of the said territorial road.

When survey to be made.

Sec. 4. The commissioners shall make two copies of the diagrams of the survey of said road as established under this act, and within sixty days after the survey made, cause one of said copies to be filed with the clerk of each of the towns aforesaid, who shall record the same in the book of record of roads for his township.

Survey to be filed with town clerks.

Sec. 5. No expense of re-surveying or establishing said road shall be paid out of the state treasury.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 15, 1846.

No. 65.

AN ACT to amend an act entitled "an act to incorporate the Gibraltar and Flat Rock Company."

Proviso in  
sec 6 strick-  
en out.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the act entitled "an act to incorporate the Gibraltar and Flat Rock Company," be, and the same is hereby amended as follows, to wit: Strike out the proviso in section six of said act and insert in lieu thereof the following, to wit: And said company shall also have power to improve the navigation of the Huron river, from Flat Rock, in the county of Wayne, to Ypsilanti, in the county of Washtenaw, either by dams and locks, or slides, or by slack water communication, or by canal, any part of the distance, and by slack water any other part of the distance from Flat Rock to Ypsilanti aforesaid.

Sec. 2. The legislature may at any time hereafter alter, amend or repeal this act and the act to which this act is amendatory, by a vote of two-thirds of both Houses thereof.

Approved April 15, 1846.

No. 66.

AN ACT to authorize the townships of California and Algansee to hold township meetings therein, and for other purposes.

First meet-  
ing.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the first township meeting for the newly organized township of California, in the county of Branch, may be held at the school house in school district number three, in said township, on the first Monday of May next, any law to the contrary notwithstanding.

Time of hold-  
ing meeting

Sec. 2. It shall and may be lawful for the electors of the township of Algansee, in the county of Branch, to hold a township meeting

therein, on the first Monday of May next, at such place as a majority of the board of inspectors may by an order in writing, under their hands for that purpose designate. Such order shall be filed in the township clerk's office, and a copy thereof posted up in at least three public places in said township, six days previous to the time of holding such meeting.

Sec. 3. At such meeting the said electors may choose and elect all and every such township officers, and transact all such other township business as they might or could lawfully choose, elect and transact at their annual township meeting. Officers to be elected.

Sec. 4. The elections of such officers and the transaction of such other business on the day in this act for that purpose mentioned, shall be as valid and legal as if the same had been elected and transacted on the day required by existing laws. Election to be valid.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 15, 1846.

No. 67.

**AN ACT to provide for the completion of the Central Railroad from Jackson to Kalamazoo.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there be, and there is hereby appropriated, out of the five hundred thousand acres of land granted by the general government to this state, for the purposes of internal improvement, twenty thousand acres of land for the purpose of paying subsisting contracts for the construction of the Central Railroad from Jackson to Kalamazoo, including the pay of engineers, the settlement of damage for right of way, and the pay of services rendered by the board of state appraisers, and such other incidental expenses as may grow out of a final settlement of all just claims against the said road. Appropriation

Sec. 2. In payments of all estimates upon contracts rendered under this act, the Auditor General shall draw a scrip, without interest, Auditor to draw scrip.

payable in land only, which scrip shall be received by the commissioner of the land office for internal improvement lands.

Sec. 3. This act shall be in force and take effect from and after its passage.

Approved April 22, 1846.

### No. 68.

AN ACT to provide for the laying out and establishing certain state roads in the county of Hillsdale.

From Hillsdale to Woodbridge.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan;* That Pardon Aldrich, John McDermid and William Bryan be, and they are hereby authorized and empowered to lay out and establish a state road from the village of Hillsdale, in the county of Hillsdale, by way of McDermid's mill to the south line of the town of Woodbridge, in said county, and file the survey of so much of said road in the office of the township clerk of each township through which said road shall pass, as shall be laid out in such township.

From Hillsdale to Ohio line.

Sec. 2. That Cyrus Patterson, John King and Chancey W. Ferris be, and they are hereby authorized and empowered to lay out and establish a state road, commencing at the village of Hillsdale, in the county of Hillsdale, thence southeastwardly to the Ohio state line, on the south line of the town of Rowland or Woodbridge, in said county, and file the survey of so much of said road in the office of the township clerk of each township through which said road shall pass, as shall be laid out in said township.

Sec. 3. The state shall not be liable for any expense incurred or damage sustained by reason of this act.

To expend non-resident tax.

Sec. 4. The commissioners of highways of the several townships through which the aforesaid roads shall be laid, may expend upon the said roads in their respective townships such portion of the non-resident highway taxes of the said township as they may deem proper, in the manner now provided by law.

Sec. 5. This act shall take effect from and after its passage, and be in force for the term of three years.

Approved April 22, 1846.

No. 69.

AN ACT to authorize the electors of school district number one in the township of Flint, in the county of Genesee, and school district number eleven, in the township of Coldwater, and county of Branch, to raise a tax for the erection of a school house in said districts.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the qualified voters of school district number one in the township of Flint, in the county of Genesee, may at a special meeting of the legal voters of said district (should two thirds of the voters present so determine) raise by tax upon the taxable property of said district, a sum not exceeding twelve hundred dollars, for the erection of a school house in said district: *Provided*, That notice of the time and place of holding such special meeting, and the objects for which it is called, shall be published in a newspaper printed and in circulation in the county of Genesee at least three successive weeks before the time of holding such meeting, and such notice shall be signed by at least twelve qualified voters of said school district.

Sec. 2. Should a majority of the legal voters of said district number one, present at a special meeting, vote to raise by tax the amount specified in the first section of this act, the district board shall on or before the first Monday of October thereafter, report to the supervisor of the township in writing under their hands, the amount of tax voted for the purpose aforesaid.

Sec. 3. it shall be the duty of the supervisor of the township, to assess the amount of taxable property of the district, and place the same on the township assessment roll, and the same shall be collected and returned by the township treasurer in the same manner and for the same compensation as township taxes.

Sec. 4. All the rights, powers, privileges and immunities that are in and by virtue of this act vested in the qualified voters of school district number one in the township of Flint and county of Genesee, shall be extended to and vested, for like purposes, to the like extent and with the same restrictions, in the qualified voters of school district number eleven in the township of Coldwater, in the county of Branch.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 23, 1846.

### No. 70.

AN ACT to provide for the re-assessment of certain taxes in the township of Stockbridge, Ingham county, and in the township of Woodstock, Lenawee county, and in the township of Wright, Hillsdale county.

Supervisors  
authorized  
to re-assess  
taxes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the board of supervisors of the county of Ingham, be, and they are hereby authorized to re-assess upon the same lands the delinquent taxes for the year eighteen hundred and forty-five, in the township of Stockbridge, in said county.

Same in Le-  
nawee co.

Sec. 2. The supervisors of the county of Lenawee are hereby empowered to order a re-assessment upon the same lands, of the non-resident taxes of the year eighteen hundred and forty-five, in the township of Woodstock, including the non-resident school house tax of the year eighteen hundred and forty-five, in district number two, of said township of Woodstock, in said county of Lenawee.

Same in  
Hillsdale co.

Sec. 3. The supervisor of the township of Wright, in the county of Hillsdale, is hereby authorized and empowered to re-assess upon the same lands, the unpaid highway taxes and labor in road district number four, in said township, for the year eighteen hundred and forty-five.

Time to re-  
assess taxes

Sec. 4. The respective board of supervisors above named shall not order a re-assessment of the taxes aforesaid except on satisfactory evidence that the taxes through error or in consequence of misconception of the law were omitted in the regular tax lists, improperly arranged in said lists, or informally returned, and not unless it shall distinctly appear that said taxes have not been paid, and will be lost to the township and school district aforesaid, unless re-assessed and collected or returned in the usual manner.

Approved April 23, 1846.



No. 71.

AN ACT to authorize Corydon P. Benton, executor of the last will and testament of Daniel Davison, deceased, to compromise a certain claim.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Corydon P. Benton, executor of the last will and testament of Daniel Davison, deceased, late of the township of Union, in the county of Branch, be, and is hereby authorized and empowered to compromise and settle any just claim Isaiah W. Bennett may have against the estate of said Daniel Davison, deceased, and for that purpose may execute a mortgage or create a lien on lots numbers sixty-nine and seventy, in block number one, in Union City, in said county of Branch, for any sum of money not exceeding one hundred dollars, and may, out of the rents and profits of the estate of said deceased, pay, satisfy and discharge the said lien: *Provided*, The Judge of Probate of said county of Branch, *Provide* shall, after an investigation of all the circumstances connected with said claim, approve of said compromise and settlement, (such approval to be endorsed on the conveyance creating such lien:) *And provided also*, Said Judge shall be of opinion that the rights and interests of the creditors and heirs of said estate shall not be prejudiced thereby.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 23, 1846.

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No 72.

AN ACT to amend "an act to provide for the sale of certain unsold state tax lands, and for other purposes," approved February seventeenth. eighteen hundred and forty-six.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act entitled "an act to provide for the sale of certain unsold state tax lands, and for other purposes," approved February seventeenth, eighteen hundred and forty-six; be amended by adding to the first section the following: "and the said person so applying shall at the time of purchasing any of <sup>Act amended</sup>

the said lands, and any person who has heretofore become a purchaser of any of the said lands, may also pay to the state treasurer the amount of all bids made in behalf of the said state at any sale or sales subsequent to the sales in October of the year eighteen hundred and forty-three, with twenty-five per cent interest thereon, as now provided by law, for which bids he shall be entitled to a certificate of purchase, or to a deed as is hereinafter provided.

Aud Gen'l  
to execute  
deed.

Sec. 2. Upon application and payment being made as above provided, the auditor general shall execute to such purchaser a deed conveying all the right, title and interest of the state in and to the said lands acquired by virtue of the original sale or sales to the state, (and not otherwise) for which the time of redemption has expired; and the said auditor, for the sales of said bids for any subsequent years for which the redemption has not expired, shall give to said purchaser certificates of purchase stating the time when he will be entitled to a deed for said lands unless redeemed or otherwise discharged; and if said lands are redeemed, the said purchaser shall be entitled to the redemption money on demand according to the provisions of section sixty-six of act number forty-nine, approved March eighth, eighteen hundred and forty-three; and if otherwise discharged, the purchase money shall be refunded with seven per cent interest from the date of purchase to the time of discharge. But if the said lands are not redeemed or otherwise discharged, according to law, the auditor general shall execute to such purchaser a deed which shall have the same effect as though said purchaser had bid off said lands at the original sale.

Rights of  
state not to  
be prejudic'd

Sec. 3. Neither the sale of said lands, nor the sale of the bids of the state for which the time of redemption has not expired, shall in any wise prejudice the right of the state to enforce the collection of any tax subsequent to the year or years for which the same have been sold as aforesaid. And for the taxes and charges remaining unpaid for such subsequent year or years the auditor general shall offer such lands in regular succession at the next ensuing annual sales for taxes in the proper county, giving the notice required by law, unless previously redeemed.

Sec. 4. Section two of the act to which this is amendatory be and the same is hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 23, 1846.

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No. 73.

AN ACT in relation to the official acts of Masters in Chancery, in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the official acts of every master in chancery appointed in this state since the sixteenth day of March, in the year one thousand eight hundred and forty, who shall have duly filed his official bond and oath of office as required by law, and who shall have failed to file with the Secretary of State a certificate of the register in chancery of the filing of such bond, shall be as good, valid and effectual to all intents and purposes, as if such certificate had been duly filed within the time therefor limited by law. When certificate may be filed.

Sec. 2. No commission to any person as a master in chancery, made by the Governor of this state at any time before the passage of this act, shall be deemed void on account of the failure of such person to file with the Secretary of State the certificate required by law of the filing of his official bond, but every such commission shall be deemed as valid and effectual as if such certificate had been duly filed according to law; and such certificate may be filed with the Secretary of State at any time within sixty days after the passage of this act. No commission shall be deemed void.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 23, 1846.

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No. 74.

AN ACT authorizing Sandy MacLeod to build a dam across the Sheboygan River, in the county of Sheboygan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Sandy MacLeod, his heirs and assigns, are hereby authorized and empowered to build a dam across

the Sheboygan river, at or near the rapids on said river, in the county of Sheboygan.

**Dam to contain lock.** Sec. 2. That the said dam shall not exceed six feet above common low water mark, and shall contain a convenient lock for the passage of all boats, barges, rafts or other water craft that may navigate said river, and shall be so constructed as to receive such boats and other water craft in slack water of sufficient depth below said dam, and to pass them to slack water of sufficient depth above said dam for all the purposes of the navigation of said river at all times.

**Duty of owners dam.** Sec. 3. It shall be the duty of the owners of said dam at all times to keep said lock in repair, and to pass any water craft which can be admitted therein through the same free of toll, and without unnecessary delay; and any person who shall be unnecessarily detained, shall be entitled to recover of the said owners double the amount for the damages which he shall prove that he has sustained by such detention, before any court of competent jurisdiction, with costs of suit.

**Persons injuring lock or dam guilty of misdemeanor.** Sec. 4. Any person who shall destroy, or in any wise injure said lock or dam, shall be deemed to have committed a trespass upon the owners thereof, and be liable accordingly; and any person who shall wilfully and maliciously destroy or injure the said lock or dam, shall be deemed guilty of a misdemeanor, and on conviction be punished by fine or imprisonment, in the discretion of the court.

**Not to flow lands.** Sec. 5. Nothing herein contained shall authorize the individuals named in the first section of this act, their heirs and assigns, to enter upon or flow the lands of any other person or persons without the consent of such person or persons; and the legislature may at any time hereafter alter, amend or repeal this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 23, 1846.

#### No. 75.

AN ACT to provide for the laying out of certain state roads.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That Loren B. Tyler, of the county*

of Kent, John Kenyon and Henry A. Goodyear, of the county of Barry, be, and they are hereby authorized commissioners to lay out and establish a state road commencing at the village of Hastings, in the county of Barry, on the most eligible route, via the Tyler settlement, to the village of Ada in the county of Kent.

Sec. 2. That Timothy White and Oliver Hess, of the county of Ionia, and Daniel S. T. Weller, of the county of Kent, be, and they are hereby authorized commissioners to lay out and establish a state road commencing at a point on the south line of section twenty, in the township of Boston, in the county of Ionia, and running thence on the most eligible route to the village of Grand Rapids, in the county of Kent.

Sec. 3. The commissioners appointed by the first and second sections of this act shall file the survey of so much of the above roads, <sup>Survey to be filed.</sup> in the office of the township clerk of each township through which the said roads shall pass, as shall be laid out in such townships.

Sec. 4. This state shall not be chargeable with any expense made by laying out the above mentioned roads by said commissioners.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 23, 1846.

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No. 76.

AN ACT to provide for the payment of John Ball.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the treasurer of the state be, and he is hereby authorized and required to pay the sum of three hundred and fourteen dollars to John Ball, out of any money in the treasury not otherwise appropriated, for his services in superintending the state salt works in the county of Kent, from the twenty-second day of April, A. D. one thousand eight hundred and forty-one, to May first, one thousand eight hundred and forty-four.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 23, 1846,

## No. 77.

AN ACT to authorize Mary Vail and Ellen Vail, to convey certain real estate.

**Preamble,** *Whereas*, Benjamin Vail, late of the county of Washtenaw, did, on or about the second day of June, one thousand eight hundred and thirty-four, purchase at the land office in Monroe, Michigan, the east half of the southeast quarter of section number eleven, township number three, south of range number three west, containing eighty acres, with monies belonging to one Luther Burt; and said Vail did receive a title for said land in his own name, in trust and for the benefit of the said Luther Burt; and

*Whereas*, The said Benjamin Vail has since died, leaving the title of said land in Mary Vail, his widow, and Ellen Vail, his daughter, an infant, under the age of twenty-one years; and the said Luther Burt has also died, leaving a widow, Florinda Burt, and ten children; therefore,

**To convey  
real estate.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the said Mary Vail and Ellen Vail are hereby authorized and empowered under the direction and approval of the Judge of Probate of Washtenaw county, which approval shall be endorsed and signed by him on the instrument of conveyance, to convey all the right, title, interest and claim of the said Mary Vail and Ellen Vail in the said premises, to the said Florinda Burt and her children by name, which conveyance when made agreeably to the provisions of this act, shall be valid in law to convey all the title and interest of the said Mary Vail and Ellen Vail to the said Florinda Burt and her said children.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 23, 1846.

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 No. 78.

AN ACT declaratory of the interests of the State of Michigan in Mines and Minerals.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the property in the following

mines is fully vested in the people of the State of Michigan, in their <sup>Rights, &c.</sup> right of sovereignty :

1. All mines of gold and silver, or either of them, now discovered, or hereafter to be discovered within the territorial limits of this State:

2. All mines of other metals or minerals, discovered, or to be discovered, which are connected with, or shall be known to contain gold or silver in any proportion.

Sec. 2. The sovereign right of the people of Michigan to the mines and minerals therein, as specified in the preceding section, shall never be enforced against any citizen of the state in whom the fee of the soil containing any such mines and minerals now is, or may hereafter become fully vested in his own right by a bona fide purchase from, through or under the general or state government; but such mines and minerals shall remain the property of the citizens owning such lands, subject to the specific tax hereinafter provided: <sup>Not to be enforced again at the people of the state.</sup> *Provided,* that this act shall not be construed to affect any right already acquired or held by individuals from or under the permits or leases of the United States, wherever such leases shall prove to be upon lands now owned or hereafter to become the property of the state. <sup>Provided.</sup>

Sec. 3. All lands known to contain mines or minerals, which now are or may hereafter become the property of this state, shall be reserved from sale by the authorities thereof, until directed to be sold by and under such regulations as the legislature shall hereafter prescribe. <sup>Mineral Pds reserved.</sup>

Sec. 4. A specific tax of four per cent to be in lieu of all other state taxes, shall be levied and collected upon all ores and the product of all mines within the limits of this state, whether the lands containing them have been sold to bona fide purchasers by the general government or not, which said tax shall in all cases be assessed thereon upon the average yield and value of such ores, after the same is smelted, if smelted within this state, but if not smelted within this state then said taxes shall be paid before such ores are removed from the premises where they are raised: *Provided,* That the specific tax upon the product of iron mines shall not exceed two per cent. <sup>Tax upon ores.</sup>

Sec. 5. Such assessment may hereafter be made upon a statement verified by the oath of the person having constant charge of the working of any mine, and of the yield and product thereof, setting <sup>Provided.</sup>

How assessment shall be made,

forth the actual amount of such yield and the product for the year next preceding; and if such tax be not paid when legally demanded, upon the aggregate amount of such statement, it shall be lawful to seize upon the ores and product of such mines in satisfaction of the same.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 25, 1846.

### No. 79.

AN ACT to provide for the payment of balances of accounts due for construction and completion of the branch of the Southern railroad, during the year eighteen hundred and forty-five.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Auditor General be, and he is hereby directed to draw his warrants, on interest, in favor of W. P. Smith, Daniel Williams and George W. Ketchum, on the internal improvement fund, for the amount due them, on the certificate of the state engineer and commissioner of internal improvement, for materials furnished and labor performed on the branch of the southern railroad during the year eighteen hundred and forty-five.

Aud. Gen'l.  
to draw  
warrant.

Sec. 2. One thousand five hundred acres of internal improvement lands are hereby appropriated for the further payment of the balances due in land warrants, on engineer estimates for completion of said branch road.

Appropri'n

Sec. 3. For the payment of all balances of account referred to in the preceding section, which shall be certified as due by the state engineer and commissioner of internal improvement, the auditor general shall draw a scrip not bearing interest, and payable only in lands, at the state land office, for internal improvement lands, whenever a sufficient amount of said scrip or other funds by law receivable for said lands, shall be presented, to pay for any such legal subdivision, or other fraction as shall be subject to sale or entry.

Sec. 4. This act shall take effect and be in force from after its passage.

Approved April 28, 1846.



No. 80.

AN ACT to amend an act entitled "an act to incorporate the village of Allegan," approved March twenty, eighteen hundred and thirty-eight.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the act to incorporate the village of Allegan, approved March twenty, eighteen hundred and thirty-eight, be hereby amended so as to authorize the organization of a road district within, and to be bounded by the corporate limits of said village in the same manner that other road districts are formed by the provisions of existing law. Amendment

Sec. 2. An overseer of highways of said district shall be annually elected at the township meeting of the township of Allegan in the same manner as other overseers of highways are elected in said township; and the commissioners of highways of said township shall possess the same powers, and are charged with the same duties, within the limits of said road district as to the assessment of highway taxes, the working and repairing of all streets, alleys and public roads, and the maintainance of bridges therein, as are now required of them in other road districts. Overseers—  
how elected

Sec. 3. So much of the act hereby amended as contravenes the provisions of this act is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 28, 1846.

No. 81.

AN ACT to amend an act entitled "an act to incorporate the village of Jackson," approved March seventh, eighteen hundred and forty-three, and the act amendatory thereof approved February twentieth, eighteen hundred and forty-four.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the eighth section of the act entitled "an act to incorporate the village of Jackson," approved March seventh, eighteen hundred and forty-three, be, and the same is hereby amended, by striking out all that part of said section from Amendment

and including the words "and also except," in the fifth line of said section, to the end thereof.

Sec. 2. That the fifteenth section of said last mentioned act, be and the same is hereby amended, by striking out all that part of said section from and including the words "to prevent," in the first line of said section, to and including the words "duly licensed," in the third line of said fifteenth section.

Sec. 3. That sections three and four of the act approved February twentieth, eighteen hundred and forty-four, amendatory of the act entitled "an act to incorporate the village of Jackson," approved March seventh, eighteen hundred and forty-three, be, and the same are hereby repealed.

Inhabitants  
subject to  
certain laws

Sec. 4. The inhabitants of said village of Jackson shall be liable to the operation of all laws of this state, in any way concerning the licensing within said village, to tavern keepers, common victuallers and retailers of spirituous and fermented liquors, and the places where spirituous and fermented liquors may be sold in less quantities than twenty-eight gallons, and they shall be liable to all fines, penalties and forfeitures provided for the violation of such laws.

Not to grant  
license.

Sec. 5. The township board of the township of Jackson shall not have the power or authority to grant any such license as is mentioned in the last preceding section, within the limits of said village, but such power shall be vested exclusively in the Common Council of said village, in the manner and under the restrictions and limitations provided by the general laws of this state.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 29, 1846.

#### No. 82.

### AN ACT to incorporate the Vermontville Academical Association.

Incorporation

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That from and after the passage of this act, W. W. Benedict, Oren Dickinson, S. S. Church, W. S. Fairfield, David Barber, W. J. Squier, M. S. Norton, D. H. Robin-

son, Levi Merrill, of the county of Eaton, and their successors be and they are hereby constituted, ordained and declared a body corporate and politic, under the name and style of "The Vermontville Academical Association," that by that name they and their successors shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended in all courts of record whatever, and in all manner of suits, actions, complaints, matters and causes whatever; and that they and their successors may have a common seal, and change and alter the same at their pleasure, and that they and their successors, by the name of "the Vermontville Academical Association," shall be in law capable of acquiring and holding by purchase, gift or otherwise, and of selling, conveying or leasing any estate, real, personal or mixed, for the use of said corporation, not exceeding ten thousand dollars, and that they and their successors shall have full power to make and enter into contracts, to make such rules and by-laws as they may deem necessary for the good government and prosperity of said institution: *Provided*, Such *Proviso*. by-laws are not inconsistent with the constitution and laws of the United States or of this state.

Sec. 2. Said corporation shall have power to establish at or near *Power, &c.* the village of Vermontville, in the county of Eaton, an institution for the instruction and education of young persons.

Sec. 3. There shall be nine trustees of said corporation, who *Trustees* shall be stockholders thereof, and who shall manage and control all the affairs of the same; and the above named persons shall be the first trustees, and shall hold their offices until the first Monday of July, eighteen hundred and forty-six, and until others are elected in their places, and they or their successors shall have power to fill all vacancies in their own body, which may happen by death, resignation or otherwise, to appoint a president, secretary and treasurer of their own body, and to prescribe such studies and regulations in said institution as to them shall seem best.

Sec. 4. There shall be a meeting of the stockholders of said corporation on the first Monday of July, eighteen hundred and forty-six *Meeting*. and on the first Monday in July in every succeeding year, at some convenient place in the village of Vermontville, to be designated by

the by-laws of said corporation ; and a majority of the stockholders, who shall meet in person or by proxy, shall select nine of the stockholders to be trustees of said corporation for the year then next ensuing, and until others are elected in their places, each share of stock entitling the stockholder to one vote either personally or by proxy.

**Capital stock** Sec. 5. The capital stock of said company shall be ten thousand dollars, in shares of ten dollars each. And the trustees are hereby authorized to receive subscriptions thereto at such times and places as they or a majority of them shall designate; said shares to be assignable and transferrable, agreeably to such by-laws as the trustees may, from time to time establish, and shall, in law, be considered personal property.

**Liability of trustees.** Sec. 6. The trustees of said corporation shall be jointly and severally liable for all debts of the said corporation: *Provided*, That no execution shall issue against the individual property of said trustees until the property of the corporation shall first have been exhausted: *And provided, further*, That any trustee resigning shall not thereby be released from any liability accrued during the period while he was in office, until a responsible successor shall be appointed and enter upon the discharge of his duties.

**Statement to be transmitted.** Sec. 7. The board of trustees shall cause to be transmitted to the Superintendent of Public Instruction annually, on or before the tenth day of November, a full statement of the condition of the institute.

Sec. 8. This act may be amended or repealed at any time by a vote of two-thirds of any future legislature.

Approved April 28, 1846.

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### No. 83.

AN ACT to authorize the Governor to issue Patents in certain cases.

**Issue of patents.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Governor be, and he is hereby authorized to issue to any assignee of a certificate of sale issued by the commissioner of the state land office, a patent for the lands therein described: *Provided*, Said lands have been fully paid for to the state: *And provided also*, That such assignment shall be

duly executed and acknowledged in the manner deeds are required to be by the laws of this state.

Sec. 2. That whenever any purchaser or assignee of any purchaser shall de cease before application is made for any patent, such patent (if said lands are paid for,) shall be issued in the name of such deceased person, and shall have the same effect as though it had been issued during the life time of such person.

When issued in name of deceased persons.

Sec. 3. Whenever any purchaser or assignee of a purchaser shall die, or shall have died before the issuing of a patent for the lands described in any such certificate, his executor or administrator may sell such certificate, and all the right, title and interest which the deceased had in the lands therein described, for the payment of debts, upon obtaining license therefor, and proceeding in the same manner as near as may be, as is provided by law for the sale of real estate by executors and administrators for the payment of debts.

May sell certificate.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 28, 1846.

#### No. 84.

AN ACT to authorize William Laird and Sarah Bliss to execute a mortgage upon certain land in St. Joseph county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be lawful for William Laird and Sarah Bliss, administrator and administratrix of the estate of Weston W. Bliss, late of the county of St. Joseph in said state, deceased, and they are hereby authorized and empowered to make and execute a mortgage upon the north fraction of the southwest quarter of section number eight, township number eight, south of range number eleven, west, containing one hundred and eight acres, or thereabouts (provided said described land shall be, at the execution of said mortgage, of the estate of said Weston W. Bliss deceased,) to secure to Joshua Gale, a creditor of said intestate Weston W. Bliss in his lifetime, the payment of the sum of two hundred and thirty dollars and seventy-nine cents, recovered against said administrator and administratrix in the circuit court for the county of

St. Joseph, and all interest accrued thereon : *Provided*, Said Joshua Gale consents thereto, with such time and manner of payment expressed in said mortgage as may be agreed upon between said William Laird and said Sarah Bliss, administrator and administratrix aforesaid, and the said Joshua Gale.

Approved April 28, 1846.

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No. 85.

AN ACT for the relief of William McDermott.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioner of the land office is hereby required to issue a certificate of purchase to William McDermott for the east half of the south-west quarter of section thirty, in township one, north of range ten east, in the county of Oakland, in the manner, and at the price specified in the second and third sections of the act entitled "an act for the relief of certain settlers on University lands in the county of Oakland, approved March ninth, one thousand eight hundred and forty-three: *Provided*, That nothing in this act contained shall be construed to authorize the sale of said land at less price than the appraised value, being five dollars per acre: *And Provided further*, That the said William McDermott shall avail himself of the provisions of this act within nine months from its passage: *And provided further*, That said lands have not been sold to any other person.

Sec. 2, This act shall take effect and be in force from and after its passage.

Approved April 28, 1846.

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No. 86.

AN ACT for the relief of the purchasers of certain lands in the township of Lima.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioner of the state land office be and he is hereby authorized, on the surrender of the

Com'r to  
issue certifi-  
cates.

outstanding certificate for the purchase of the southeast quarter of of section sixteen, in township two, south of range four, east, in the county of Washtenaw, to issue one or more certificates to the persons interested in said land in such parts and parcels as the said persons may desire : *Provided*, The said persons so interested in said lands shall first pay all expense of such interchange of certificates, and further pay to the said commissioner such sum or sums for the use of the primary school fund as shall in his opinion amply and fully protect said fund from loss or diminution.

Sec. 2. For such parcels of said land as shall be paid for in full, the said commissioner is hereby authorized to issue such certificates as will, under the provisions of existing laws, entitle the person holding such certificate to a patent for said land on presenting the same to the Governor of this state.

Sec. 3. Nothing in this act contained shall in any way or manner affect any right accrued, or any suit commenced or pending, in any way relating to said lands, or any part thereof.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 28, 1846.

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No. 87.

AN ACT to amend an act entitled "an act relative to Free Schools in the city of Detroit," approved February seventeenth, eighteen hundred and forty-two.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the collectors of the city of Detroit, elected in the different wards of said city, shall act as collectors of the school tax assessed and levied in said city in their respective wards, under and by virtue of the provisions of the act to which this act is amendatory; and that each of said collectors previous to his entering upon his duties, shall, in addition to the bond now required by law, make and execute to the board of education of said city of Detroit, a bond with two good and sufficient sureties to be by them approved, in the penal sum directed by said board, conditioned for the faithful performance of his duties as such collector; and that,

To collect school tax.

Bond.

in case of neglect or refusal of any one of said collectors to execute and obtain such bond according to the provisions of this section, he be subject to a penalty of one hundred dollars, to be collected in an action of debt, which may be brought in any court in this state at the suit and in the name of the said board of education of the city of Detroit.

To elect  
president.

Sec. 2. The board of education of the city of Detroit may elect one of their own number president of the board, who shall perform all the duties and be vested with all the powers conferred by the act to which this act is amendatory, upon the mayor and recorder of said city of Detroit, or either of them; and all the provisions of the act to which this act is amendatory, providing that the mayor or recorder of said city shall be president of said board, are hereby repealed. The term of office and time and mode of election of said president to be prescribed by said board.

Sec. 3. Six members of the board shall constitute a quorum for the transaction of business.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 28, 1846.

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No. 88.

AN ACT to legalize the collection and return of taxes made by deputy sheriffs in different counties of this state, and for other purposes.

Return of  
taxes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the collection and return of all taxes heretofore or hereafter to be made by any deputy sheriff in any county of this state, by virtue and in pursuance of the tax roll and warrant of the supervisor of any township, delivered to such deputy sheriff to be executed in consequence of the disability, neglect or refusal of the proper township treasurer, to make or complete such collection or return, shall, and the same are hereby declared to be as legal, valid and effectual in law, for all purposes whatsoever, as if such collection and return had been made by the proper township treasurer or the sheriff of such county; and no tax or taxes shall be deemed illegal,



or rejected by the Auditor General on the return thereof for the reason, that the collection or return thereof was made by a deputy sheriff as aforesaid: *Provided*, That the acts of such deputy sheriff, in the collection and return of said taxes be in other respects conformable to law.

Sec. 2. The assessment, collection and return of all taxes assessed for any school purpose for the year one thousand eight hundred and forty-five, the amount of which has been placed or included in the column for "township, county, and state tax," shall be as valid in law as though the same had been placed or set down in the column for "school tax," as the law required, any law to the contrary notwithstanding. Certain taxes legalized.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 28, 1846.

#### No. 89.

AN ACT to amend an act entitled "an act to provide for establishing and improving the Pontiac and Grand River road," approved March ninth, eighteen hundred and forty-four.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That whenever any person shall commute the highway tax assessed upon non-resident lands embraced within the provisions of the act to which this is amendatory, and the same shall be paid to the township treasurer, said township treasurer shall pay to the county treasurer on or before the first day of February in each year, all monies that may come into his hands as aforesaid.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 28, 1846.

#### No. 90.

- AN ACT to provide for improving the public highway from Bellevue to Charlotte, in Eaton county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners of high-

ways of the several townships through which the public highway leading on the most direct route on the south side of Battle Creek, from the village of Bellevue to the village of Charlotte, in the county of Eaton, passes, may expend upon the said highway in their respective townships such portion of the non-resident highway taxes of the said townships as they may deem proper, in the manner now provided by law.

Sec. 2. This act shall take effect from and after its passage and be in force for the term of three years.

Approved April 28, 1846.

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No. 91.

AN ACT to change the time for the collection of taxes in the county of Chippewa, and for other purposes.

Act amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That "an act relative to the duties of assessors and highway commissioners," approved March 11th, 1844," be, and the same is hereby amended; that the time for the valuation of assessable property in the township of St. Marys, county of Chippewa, be, between the second Monday of April, and the first Monday of July, in each year, and the assessors shall on Saturday next preceding the second Monday in July in each year, meet at the office of the supervisor for the reviewing and completing their assessment roll as heretofore required.

Statement.

Sec. 2. The township clerk shall, on or before the third Monday of July, in each year, deliver to the supervisor of his township a statement of the money to be raised therein for township purposes.

Sec. 3. The annual meeting of the supervisors of said county shall be on the first Monday of August, instead of the first Monday of October as heretofore.

To notify township treasurer.

Sec. 4. The supervisor of said township, on or before the twentieth day of August, shall notify the township treasurer of the amount of state and county tax apportioned to his township; and such treasurer on or before the twenty fifth day of August, shall make out and deliver his bond to the county treasurer as prescribed by law; and the said township treasurer shall deliver the receipt of the county treas-

rer to the supervisor, on or before the twenty-eighth day of August.

Sec. 5. The supervisor, after the delivery of such receipt, shall deliver to the township treasurer the corrected assessment roll of his township, on or before the first day of September, with the different annexed columns as required by law.

Sec. 6. It shall be the duty of the township treasurer of the township of St. Marys, in Chippewa county, to cause to be collected, taxes within the unorganized counties of Schoolcraft, Marquette and Ontonagon, until the township officers authorized by law shall be chosen in at least one of said counties.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 28, 1846.

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No. 92.

AN ACT to authorize the commissioners of highways of the township of Hanover, in the county of Jackson, to discontinue and alter all that part of the state road where it crosses sections one and two in said township.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners of highways of the township of Hanover, in the county of Jackson, are hereby authorized and empowered to alter all that part of the highway, known as the state road, which passes across sections one and two in said township, by running it from the point where it strikes section one on the south line thereof, upon the south line of said section westward to the southwest corner of section two as aforesaid, and from thence north on the west line of section two to where the said road strikes the said west line of section two aforesaid.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 29, 1846.

## No. 93.

AN ACT to authorize the commissioners of highways in certain towns in the county of Calhoun to appropriate and expend non-resident highway taxes in said townships.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners of highways in the townships of Marshall, Fredonia, New'on, and others, in the county of Calhoun, be, and are hereby, authorized to expend in the working and improvment of the stage road from Marshall by way of Dry Prairie to Niles, so much of the non-resident highway taxes as have been or shall be assesed for the years one thousand eight hundred and forty-five, one thousand eight hundred and forty-six and one thousand eight hundred and forty-seven, in the said respective townships, as they shall deem proper.

Sec. 2. This act shall take effect from and after its passage.

Approved April 29, 1846.

## No. 94.

AN ACT to amend an act entitled, "an act to alter, lay out and establish certain state roads therein mentioned," approved March ninth, one thousand eight hundred and forty-three.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section fifteen of said act be, and the same is hereby amended so that the said section when amended, will read as follows: "That in laying out and establishing the above mentioned roads, the state shall in no instance be liable for any expense or damages that may be incurred thereby; but that the respective township boards through which said roads pass, may, in their discretion, allow to the commissioners and surveyors a reasonable compensation for such services as were actually rendered within the limits of their respective townships."

State not  
liable for ex-  
pense or  
damages.

How con-  
strued.

Sec. 2. This act shall be so construed as not to apply to or affect any other road except the state road laid out from the extension of Jefferson Avenue in the city of Detroit to Mt. Clemens in the county of Macomb.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 29, 1846.

No. 95.

AN ACT relative to Warehousing and Forwarding.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That if any warehouseman or forwarding merchant, or the agent or clerk of any warehouseman or forwarding merchant, shall knowingly execute and deliver to any person a receipt or certificate purporting to be for flour, wheat, or pearl ashes, or any grain, produce or thing of value, as being at the time of executing and delivering such receipt in possession of such warehouseman or forwarding merchant, or in store for the person or persons, copartnership or firm named in any such receipt or certificate, without being at the time of executing and delivering such receipt, in the actual possession of such flour, wheat, pot or pearl ashes, grain, produce or thing of value as expressed in such certificate or receipt, such warehouseman, forwarding merchant, agent or clerk so executing and delivering any such receipt or certificate, shall be deemed guilty of a felony, and on conviction thereof shall be punished by fine not exceeding two thousand dollars, or imprisonment in the state prison not exceeding three years, or by both such fine and imprisonment, in the discretion of the court; and sending or forwarding to a person who shall be duly entitled or authorized to receive the same, by the public mail or through the government post office, or by the hands of any third person or persons, any such receipt or certificate as aforesaid, shall be deemed to be a good and lawful delivery thereof within the meaning of this section.

Warehousemen and Forwarders executing & delivering certificate without having possession of the property deemed guilty of felony.

Sec. 2. Whenever money or any goods, wares or merchandise or other personal property shall be delivered, committed or entrusted to or put in charge of any person or persons as agent or agents with written instructions, or upon any written agreement signed by the party so entrusted as agent, or such written instructions shall be delivered, or such written agreement shall be made at any time after delivery to such agent or agents of any money or goods,

Persons appropriating money or other property entrusted to them to other purposes, than such as are specified in the trust, deemed guilty of larceny.

wares, merchandize or other personal property, which instructions or agreement shall express the appropriation, purpose or use to which such money shall be applied or the terms, mode or manner of the application or employment of such money, or which shall express or direct the disposition or use to be made by such agent of any goods, wares, merchandize or other personal property so delivered or entrusted to such agent, if the person or persons to whom any such money or goods, wares, merchandize or other personal property shall be so delivered, committed or entrusted, shall purposely and intentionally apply, appropriate, dispose of or use any such money or goods, wares, merchandize or other personal property, in any other way or manner, or for any other purpose, use or intent, than such as shall be expressed in such written instrument or agreement, touching the same, the person or persons so doing shall be deemed guilty of larceny, and on conviction thereof before a competent tribunal, shall be subject to a fine not exceeding two thousand dollars, or imprisonment in the state prison for a term not exceeding three years, or in the jail of the county not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

Approved, April 29, 1846.

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No. 96.

AN ACT to confirm the partition of lands owned by Lewis Cass and others, in common with the State of Michigan.

*Preamble.* *Whereas,* The state of Michigan owns and holds in common with Beverly Robinson, Tunis B. Van Brunt, Nathaniel Silsbee, Henry Smith, Lewis Cass, Jacob D. Lansing, John P. Cushman, George R. Davis, Edwin Crosswell, Thomas W. Olcott and William Porter, the following lands situate in the counties of Monroe and Lenawee in said state of Michigan, to wit: The south half and the south half of the northwest quarter, and the southwest quarter of the northeast quarter of section eleven; the southwest quarter and the west half of the southeast quarter, and the southeast quarter of the northwest quarter of section twelve; entire section thirteen; entire section fourteen; the east half and the southwest quarter of section twenty-two; entire section twenty-three; entire section twenty-four; entire sec.

tion twenty-five ; entire section twenty-six ; entire section twenty-seven ; north half of section thirty-four ; north half of section thirty-five, north half of section thirty-six ; all in township number six, south of range five east ; and also the following lands in township number six south of range number six east, to wit : The west half of the southwest quarter, and the southeast quarter of the southwest quarter of section seventeen, the south half and the south half of the northeast quarter of section eighteen ; entire fractional section nineteen ; the west half and northeast quarter of section twenty ; northwest quarter of section twenty-nine ; entire fractional section thirty ; the north fractional half of section thirty-one, and the west half of the northwest quarter of section thirty-two, containing all together nine thousand five hundred and ninety-one acres, and sixty-one hundredths of an acre.

*And whereas*, All the aforesaid owners in common of said lands, except the state of Michigan, did during the year eighteen hundred and forty-five, procure to be made a provisional or conditional partition of said lands, by Titus Babcock, Joseph H. Cleveland and Junius Tilden, who examined said lands and made such provisional partition, and a plat thereof subject to the approval of said state of Michigan, by which the one twenty-fourth part of said lands belonging to the state of Michigan was set off to the said state, in severalty, described as follows, to wit : The east half of the southeast quarter of section eleven, in township six south of range five east, containing eighty acres ; and the west half of the southeast quarter of section twelve, in the same township and range, containing eighty acres ; and the west half of the southwest quarter, and the southeast quarter of the southwest quarter of section seventeen, in township six south of range six east, containing one hundred and twenty acres ; and the east half of the southeast quarter of section eighteen, in township six south of range six east, containing eighty acres.

*And whereas*, Said several owners, with the exception of the state of Michigan, have executed a partition deed, setting off their shares to each respectively, in severalty, subject to the approval of the authorities of the state of Michigan.

*And whereas*, Said several owners have petitioned for the acceptance by the state of the land as above described, set off to the state

as the share of one twenty-fourth part thereof belonging to said state, in full for said share : *And whereas*, it appears that said partition is just and equal, quantity and quality considered, therefore,

Partition  
confirmed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That said above recited partition be, and the same is hereby confirmed, so far as the interests of the state of Michigan in said lands are concerned; and that the lands above stated to have been set off by said partition to said state of Michigan be and the same are hereby accepted as the full and just share of said state in the lands first herein above described.

Approved May 4, 1846.

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No. 97.

AN ACT to provide for the sale of certain State Property.

To sell state  
property.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Board of Internal Improvement be and they are hereby directed to advertise and sell, on such terms as will be most advantageous to the State, the engines and other property belonging to the State, heretofore used for boring and explorations for salt.

Sec. 2. After a sale of the State railroads shall be fully consummated, said Board of Internal Improvement is hereby directed to make a correct inventory of all property belonging to, or connected with the works of internal improvement of the State, not included in the sale of the rail roads, and advertise and sell the same at public or private sale, on such terms as said Board shall deem most advantageous for the State.

Sec. 3. The monies arising from the sales of property aforesaid shall be deposited in the State Treasury to the credit of the internal improvement fund.

Sec. 4. This act shall take effect and be force from and after its passage.

Approved May 4, 1846.



## No. 98.

## AN ACT to incorporate the Grand River Valley Railroad Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Amos Root, Harvey Williams, Benjamin Porter, Benjamin Knight, Ephraim B. Danforth, Abram V. Berry, Ira C. Backus, John Sumner, Amasa B. Gibson, Allen Bennett Jr., William P. Kassick, Amos Roberts, Philo M. Evrett, John Garrow and Lewis Bascom, be, and they are hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of the Grand River Valley Railroad Company, first giving thirty days notice of the times and places of taking such subscriptions by publishing such notice in one of the public newspapers in Jackson and Kent counties. Incorporation.

Sec. 2. The capital stock of said company shall be ten hundred thousand dollars, in two thousand shares of fifty dollars each; and as soon as two hundred shares of said stock shall be subscribed, the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name of the Grand River Valley Railroad Company, with perpetual succession; and by that name shall be capable in law of purchasing, holding, leasing and conveying estate, either real, personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned, and no farther; and in their corporate name, may sue and be sued, may have a common seal which they may alter or renew at pleasure, and shall have, and may enjoy and exercise all the powers, rights and privileges which may be necessary to carry into effect the purposes and objects of this act. Capital stock.

Sec 3. Said company hereby created, shall have power to construct a rail road with double or single track, from Jackson, in the county of Jackson, to Grand Rapids, in the county of Kent, with power to take, transport and carry property and persons upon the said rail road or any part thereof herein authorized to be constructed, by the power and force of steam, or of animals, or any combination of them. May construct rail-road,

To com'nce  
within 3 yrs

Sec. 4. If said corporation shall not, within three years after the passage of this act, commence the construction of said road, and shall not within five years construct twenty miles of said road, and shall not, within ten years from the passage of this act, construct, finish and put in operation the whole of said road, then the rights, privileges and powers of said company shall be null and void so far as it regards such part of said road as shall not be finished within the time limited in this act.

First meet-  
ing.

Sec. 5. When two hundred shares of the capital stock shall have been subscribed, if within three years from the passage of this act, the commissioners shall call a meeting of the subscribers at such time and place as they may appoint, by giving thirty days public notice of such meeting, and shall lay the books of subscription before the subscribers then present, and thereupon the said stockholders or a majority of them shall elect seven directors by ballot, a majority of whom shall be competent to manage the affairs of the said company; and said directors are empowered to elect one of their number President, and on all occasions, when a vote of the stockholders is to be taken, each and every share shall entitle the holders thereof to one vote, either by himself or by proxy.

Directors  
chosen an-  
nually.

Sec. 6. To continue the succession of President and directors of said company, seven directors, a majority of whom shall be citizens of the United States, shall be chosen annually, on the first Monday in October at such place as may be appointed by the directors; and if any vacancy shall occur by death, resignation or otherwise, of any president or director before the year for which he was elected shall have expired, such vacancy for the remainder of the year may be filled by the directors of said company, or a majority of them. The President and directors of said company shall hold their office until a new election of President and directors. All elections which are by this act, or by the by-laws of this company to be made on a particular day, may be made at any time within sixty days thereafter, notice of such meeting being given as prescribed in the preceding section.

General  
meeting.

Sec. 7. A general meeting of the stockholders of said company shall be held annually at the time and place appointed for the election of President and directors: and a meeting may be called at any time during the interval between the said annual meetings, by the

President and directors, or by the stockholders owning not less than one-fourth of the whole stock, by giving thirty days notice of the time and place of meeting ; and when any such meeting is called by the stockholders, the particular object of such call shall be stated ; and if at any meeting thus called, a majority in value of the stockholders are not present in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days without transacting any business ; and if within said three days, stockholders having a majority of the stock do not attend such meeting, then the said meeting shall be dissolved.

Sec. 8. At a regular annual meeting of the stockholders of said company it shall be the duty of the President and directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the company ; and at any meeting of the stockholders, a majority of those present in person or by proxy, may require similar statements from the President and directors, whose duty it shall be to furnish them when thus required ; and at all general meetings of the stockholders, a majority in value of all the stockholders in said company, may remove from office any President, or any of the directors of said company, and elect others in their stead: *Provided*, Notice of such intended removal has been given as required by the seventh section.

Presid't and directors to exhibit statement.

Sec. 9. Every President and director of said company, before he acts as such, shall swear or affirm, that he will well and truly discharge the duties of his office to the best of his skill and judgment.

Official oath

Sec. 10. The said President and directors, or a majority of them, shall have power to appoint, contract with and determine the compensation of all such officers, engineers, agents and servants whatsoever, as they may deem necessary for the transaction of the business of the company, and remove them at pleasure ; also the manner and evidence of the transfers of the stock in the said company ; and they shall have power to pass all the by-laws which they may deem necessary for carrying into execution all the power vested in the company hereby incorporated : *Provided*, Such by-laws shall not be contrary to the constitution or laws of the United States nor of this State.

Compensation of officers.

Sec. 11. The President and directors of said company shall be,

ways of the several townships through which the public highway leading on the most direct route on the south side of Battle Creek, from the village of Bellevue to the village of Charlotte, in the county of Eaton, passes, may expend upon the said highway in their respective townships such portion of the non-resident highway taxes of the said townships as they may deem proper, in the manner now provided by law.

Sec. 2. This act shall take effect from and after its passage and be in force for the term of three years.

Approved April 28, 1846.

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No. 91.

AN ACT to change the time for the collection of taxes in the county of Chippewa, and for other purposes.

Act amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That "an act relative to the duties of assessors and highway commissioners," approved March 11th, 1844," be, and the same is hereby amended; that the time for the valuation of assessable property in the township of St. Marys, county of Chippewa, be, between the second Monday of April, and the first Monday of July, in each year, and the assessors shall on Saturday next preceding the second Monday in July in each year, meet at the office of the supervisor for the reviewing and completing their assessment roll as heretofore required.

Statement.

Sec. 2. The township clerk shall, on or before the third Monday of July, in each year, deliver to the supervisor of his township a statement of the money to be raised therein for township purposes.

Sec. 3. The annual meeting of the supervisors of said county shall be on the first Monday of August, instead of the first Monday of October as heretofore.

To notify township treasurer.

Sec. 4. The supervisor of said township, on or before the twentieth day of August, shall notify the township treasurer of the amount of state and county tax apportioned to his township; and such treasurer on or before the twenty fifth day of August, shall make out and deliver his bond to the county treasurer as prescribed by law; and the said township treasurer shall deliver the receipt of the county treasurer.

rer to the supervisor, on or before the twenty-eighth day of August.

Sec. 5. The supervisor, after the delivery of such receipt, shall deliver to the township treasurer the corrected assessment roll of his township, on or before the first day of September, with the different annexed columns as required by law.

Sec. 6. It shall be the duty of the township treasurer of the township of St. Marys, in Chippewa county, to cause to be collected, taxes within the unorganized counties of Schoolcraft, Marquette and Ontonagon, until the township officers authorized by law shall be chosen in at least one of said counties.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 28, 1846.

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No. 92.

AN ACT to authorize the commissioners of highways of the township of Hanover, in the county of Jackson, to discontinue and alter all that part of the state road where it crosses sections one and two in said township.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners of highways of the township of Hanover, in the county of Jackson, are hereby authorized and empowered to alter all that part of the highway, known as the state road, which passes across sections one and two in said township, by running it from the point where it strikes section one on the south line thereof, upon the south line of said section westward to the southwest corner of section two as aforesaid, and from thence north on the west line of section two to where the said road strikes the said west line of section two aforesaid.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 29, 1846.

Shares con-  
sidered per-  
sonal prop-  
erty.

said company ; and the said road with all its improvements, works and profits, all machinery used on said road for transportation, are hereby invested in said company incorporated by this act, and their successors forever ; and the shares of the capital stock of said company shall be considered personal property, and shall be transferable agreeably to the bye-laws of said company, and subject to be taken on execution agreeably to such laws as are or may hereafter be in force. The right and privilege is hereby reserved to this state, or any company hereafter to be incorporated under the authority of this state, to connect with the road hereby provided for, any other railroad leading from the main route to any part or parts of this state : *Provided*, That in forming such connection no unnecessary injury shall be done to the works of the company hereby incorporated, and the said company or companies connecting may have the free use of said road by paying the ordinary tariff of tolls established for said road ; and this incorporation shall be entitled to the same rights and privileges to any and all roads hereafter connected.

Dividends—  
when made.

Sec. 17. The president and directors shall annually or semi-annually declare and make such dividend as they may think proper of the net profits from the resources of said company, deducting the necessary current expenses ; and they shall make such dividend among the stockholders of said company in proportion to their respective shares.

Injuries,  
how pun-  
ished.

Sec. 18. If any person or persons shall wilfully, knowingly and maliciously remove a stake, alter, deface or injure, in any manner any bench, stake or fixture, set by said company, their agent or other person in the employ of said company, or by any means wilfully injure, impair or destroy any part of the said road constructed by the said company under this act, or any of the necessary works, buildings or machinery of said company, such person or persons so offending, shall each of them, for every such offence, forfeit and pay to the said company a sum not exceeding five times the amount of damages caused by such offence, which may be recovered, in the name of said company, by an action of trespass, in any court having competent jurisdiction in the county wherein the offence shall be committed.

Sec. 19. Said company shall at all times, if required by the post

office department, transport the United States mail upon said road, as often as their cars shall pass the same not exceeding twice in each day, for such compensation as shall be agreed upon by said company and the said department, not exceeding the average price paid by said department for the transportation of the mail in post coaches, three times per week for a like distance, upon the several post roads in the state: *Provided*, Nothing herein contained shall be construed to require any of the vehicles of said company to wait at any office for the change of mail. Transport  
mail.

Sec. 20. The directors of said company shall annually, on or before the twenty-fifth day of January, make a report to the secretary of state, which shall embrace the business of the preceding year to the first day of January, stating the length of their road in operation, cost of construction, and the indebtedness of the company for materials or work in progress of delivery or execution on account of construction, as near as can be conveniently ascertained, and all other indebtedness, if any there be; the amount of capital stock subscribed, and the amount actually paid in; the amount of dividend; receipts from freight, from passengers, and from all other sources on account of operating the road; the number of through and way passengers respectively; the expenditures for the repairs of the road; for repairs of engines and cars, and other expenditures, which three last mentioned items shall include all the expenditures for operating the road, and the expenditures made for construction during the year; the number of engines; of passenger, freight and other cars; the average number of men in employment of the company; the number of miles run by passenger, by freight and other trains; which report shall be verified by the affidavit of at least two of the directors and filed in the office of the secretary of state. Report to  
sec. of state.

- Sec. 21. The said company shall pay to the state an annual tax of one-half of one per cent upon the capital stock paid in, until the first day of February, eighteen hundred and fifty-one, and thereafter an annual tax of three-fourths of one per cent upon its capital stock paid in, and also upon all loans made to said company, for the purpose of constructing said railroad, which tax shall be paid in the last week in January in each year to the state treasurer, and the property and effects of said company, whether real, personal or mixed, shall, in Annual tax.

consideration thereof, be exempt from all and every other tax, charge and exaction by virtue of all laws of this state now or hereafter to be in force, except penalties by this act imposed.

**Tolls.** Sec. 22. The said company shall have full power and authority to ask for, demand and recover and take the tolls or dues to and for their own proper use and benefit on all goods, merchandize and passengers using or occupying the said railroad, or any other convenience, erection or improvement built, occupied or owned by the said company, to be used therewith, and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same, as well as the manner of collecting all tolls and dues on account of transportation and carriage, and storage, and shall have full power to erect and maintain such toll houses and other buildings for the accommodation and proper transaction of their business as to them may seem necessary.

**May cross other roads.** Sec. 23. Whenever it shall be necessary for the construction of their railroad to intersect or cross any stream of water or water course, or road or highway, lying on the route of the said railroad, it shall or may be lawful for the company to construct their railroad across or upon the same: *Provided*, That the said company shall restore the stream or water course, road or highway thus intersected or crossed to its former state, or in a sufficient manner not unnecessarily to impair its usefulness.

**Lien of state** Sec. 24. The state shall have a lien upon the railroad of said company and its appurtenances and stock thereon, for all penalties, taxes and dues which may accrue to the state from said company, which lien of the state shall take precedence of all other debts or demands, judgments or decrees against said company.

**Side tracks.** Sec. 25. Whenever it shall be necessary for the convenience of the public or persons receiving or sending property by said railroad, the said company shall permit side tracks to intersect the main road at any depot on or along the line of said road, and that such persons shall be entitled to have any property taken from such side tracks under the directions and regulations of said company without unreasonable delay.

**Liability.** Sec. 26. Each stockholder shall be individually liable for the debts and liabilities of said company to the amount of stock owned by him



and paid in, but no execution shall issue against the property of any stockholder until the property of the company liable to execution has been exhausted.

Sec. 27. The state reserves the right at any time after twenty years, to take possession of and convert into state property, the said railroad and the property and effects of said company, on payment of the amount of investment and ten per cent in addition thereto.

State may purchase the road.

Sec. 28. The Legislature may at any time alter, amend or repeal this act.

Approved May 4, 1846.

### No. 99.

## AN ACT to incorporate the Utica and Detroit City Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That George W. Merrills, Charles W. Chapel and James Covell jr., are hereby appointed commissioners, with power and authority to survey and lay out on the line of any existing highway, or otherwise, a road commencing at the village of Utica, in the county of Macomb, and running thence on the most eligible route to Detroit, in the county of Wayne, but such road shall not be laid out on any existing highway without the consent, in writing, of the commissioners of highways having charge thereof.

Commissioners.

Sec. 2. The damages sustained by reason of the laying out and opening of said road may be ascertained by the agreement of the owner or agent of the land through which said road may be run and the commissioners aforesaid; and in case such agreement be not made, or in case the owner or agent of the land shall not in writing release all claims to damages, the same shall be assessed by said commissioners.

Damages

Sec. 3. Said commissioners shall cause a correct map and survey of said road, with the assessment aforesaid, and an account of the charges and expenses of laying out the same, to be filed with the clerk of the circuit court for the county of Macomb, which said court shall, at its next session thereafter, examine into the principle by which assessments shall have been made, and into the fairness and

Map and survey.

justice thereof, and shall have power to increase or reduce such damages as in their judgment shall be just and reasonable.

**Maps &c to be filed with T clerk.** Sec. 4. That as soon as a correct copy of the survey of so much of said road as shall be laid out through any township, shall be filed in the township clerk's office of such township, together with the agreements, releases and the assessments as finally established by said court, and said damages and the expenses of laying out said road shall have been paid by a company to be formed to make and keep said road in repair, then in that event said road as laid out shall be established as an open highway to be used and improved as such, under the restrictions in this act provided.

**Subscriptions** Sec. 5. Said commissioners, either before or immediately after proceeding to survey and lay out said road may receive subscriptions to the capital stock of the company to be formed, the capital stock whereof to be divided into four thousand shares at twenty-five dollars each; and they shall cause books to be opened to receive subscriptions at the post office in the village of Utica and at the court house in the city of Detroit, for two successive days as they shall direct, first giving twenty days notice of the time and place by publication in some newspaper printed in Detroit.

**Name of co. and powers.** Sec. 6. All persons who shall become stockholders pursuant to this act, are hereby constituted a body corporate, by the name of the Utica and Detroit City Plank Road Company, and by that name they and their successors shall and may have succession, and shall be capable in their corporate name, to sue and be sued, appear, prosecute and defend to final judgment any execution in any courts or elsewhere, to have a common seal, to purchase and hold such real and personal estate as may be necessary for the construction or repair of said road, the bridges and toll gates thereon, or as may be necessary and convenient for the erection of toll houses.

**Amount payable on subscribing.** Sec. 7. All persons subscribing for said capital stock shall pay to said commissioners on each share subscribed, the sum of one dollar at the time of making the subscription, which said sum the commissioners shall pay over to the directors of said company, when the same shall have been chosen.

Sec. 8. The corporation hereby created shall possess the general powers and privileges and be subject to the general liabilities of turn-

pike corporations, as prescribed in the third chapter of the tenth title of the first part of the revised statutes, or in the acts passed, or that may hereafter be past amendatory or in alteration thereof, except so far as the same are or may be inconsistent with the provisions of this act.

Sec. 9. As soon as the whole or one half the capital stock shall have been subscribed for, the commissioners shall forthwith give at least ten days notice of the time and place for the first meeting of the stockholders by publication in a newspaper printed in Detroit, at which time and place the stockholders shall choose five directors to conduct the business of said company, who shall hold their offices for one year, or until others are chosen, and one of whom, said directors shall annually elect to be their president.

Notices of  
1st meeting.

Sec. 10. All subsequent elections of directors, shall be held at such time and place as the by-laws of said corporation shall direct, thirty days notice thereof being first given by publication in some newspaper in the city of Detroit; at all meetings of the corporation, each stockholder may vote either in person or by proxy, each share being entitled to one vote, but said corporation shall not be dissolved by reason that the annual election is not held at the time above mentioned.

When elec-  
tions to be  
held.

Sec. 11. The said corporation shall be and is hereby authorized to construct and keep in repair a plank road from the village of Utica, in the county of Macomb, to the city of Detroit, by such route as shall have been surveyed and laid out by said company; said road to be built of good sound plank, not less than eight feet long, and three inches in thickness, and in such manner as to make a good plank road at all seasons of the year; and whenever other roads intersect, said plank road shall be so constructed and covered as to allow the convenient passage of carriages.

May construct  
road.

Sec. 12. The directors of said company may call for and demand of the subscribers and stockholders all such sums of money as are by them respectively subscribed, which said sums such stockholders and subscribers are hereby declared liable to pay at such times and in such portions as the directors shall deem best for the interest of the company, the said directors giving at least thirty days notice of such call in a newspaper published in the city of Detroit, and in case

Installments

of failure to pay the same, the said directors may declare the shares of such subscribers or stockholders so failing forfeited, and such shares with all previous payments made thereon, shall be thereby forfeited and become the property of said company.

Directors  
may com-  
mute with  
subscribers,

Sec. 13. Said directors may commute with the subscribers to the stock of the company by allowing them in lieu of paying their subscription, to take contracts, on giving satisfactory security for the fulfillment thereof, for the furnishing of materials, or the executing of any part of the work to be done on said road.

Gov. to ap-  
point comr's

Sec. 14. As soon as five miles of said road shall have been completed, it shall be lawful for said president and directors to give notice thereof to the person administering the executive department of the government of this state for the time being, who shall thereupon forthwith appoint three discreet freeholders commissioners, who are in no way interested in said road, to view the same and report to him in writing whether such part of the road is completed in a workman-like manner according to the intent and meaning of this act; and if the report shall be in the affirmative, it shall be his duty, and he is hereby required by license under his hand and the seal of this state, to permit the said president and directors to make and erect so many gates upon and across said road as may be necessary and sufficient to collect the dues and tolls hereinafter granted to the said corporation, from all persons travelling or using the same: *Provided*, That not more than two whole toll gates, or one whole toll gate and two half toll gates shall ever be placed across said road.

Toll gather-  
ers.

Sec. 15. As soon as five miles of said road shall have been completed and permission granted as aforesaid, to erect a whole or half toll gate or gates upon and across the same, it shall and may be lawful for said president and directors, to appoint toll gatherers to collect and receive of and from all and every person and persons using said road, at each and every of said whole toll gates, and at each half toll gate in proportion, such tolls and duties, to wit: For every score of

Rates of toll

hogs or sheep, ten cents; for every wagon drawn by two horses, mules or oxen, fifteen cents; for every additional horse, mule or ox, three cents; for every coach, pleasure wagon, or pleasure carriage drawn by two horses, twenty cents: for every additional horse three cents; for every chaise, sulky or pleasure carriage drawn by one

horse, ten cents, and every additional horse three cents; for every cart drawn by two oxen, ten cents, and for every additional yoke of oxen, four cents; for every horse or mule, rode, led or driven, four cents; for every cart drawn by one horse, five cents; for all sleighs or sleds drawn by one or more horses, mules or oxen, half the toll for vehicles on wheels; for every horse or mule and rider, five cents. And it shall and may be lawful for any toll gatherer to stop any person riding, leading or driving any horses, cattle or sheep, or article named above in this section as subject to pay toll, until the same be paid: *Provided, however,* That nothing in this act shall be construed to Proviso. entitle the said corporation to demand or receive toll at any gate, of or from any person passing to or from public worship or going to or returning from funerals, or going to or from a grist mill, for the grinding of grain for family use, or from any troops in the service of this state or of the United States, or for the transportation of any property belonging to this state or to the United States.

Sec. 16. The said corporation shall cause mile stones or posts to be erected and maintained, one for every mile of said road from Utica Mile stones to be erect'd to Detroit, and on each stone or post shall be legibly marked or inserted, the distance the said road is from the village of Utica, and if any person shall wilfully cut, injure or destroy said mile stones or posts, or said road itself, or shall forcibly pass said gates without payment Penalty. of toll, such person or persons shall forfeit and pay for every such offence, a sum not exceeding twenty-five dollars, to be recovered in action of debt, before any justice of the peace in the county where said offence is committed, or where the offender may be found; such offender or offenders shall also be liable to said company for all damages which said company shall sustain by reason of the commission of any wilful injury to said posts or stones, or gates, to said road.

Sec. 17. If any toll gatherer shall unreasonably detain or hinder Penalty. any traveller or passenger, at either of said gates, or shall demand or receive more tolls than by this act are established, he shall, for every such offence, forfeit and pay twenty-five dollars, to be recovered by the person so unreasonably detained, for his own use, with costs of suit, before any justice of the peace in the county where such detention occurred: *Provided,* That if no goods and chattels can be found to satisfy such judgment and costs, then in that case the person-

al property of said company shall be liable to execution issued on said judgment, and the same may be taken on such execution in the same manner as if said execution was against said company in its corporate name.

Shares deemed personal property.

Sec. 18. The shares of the capital stock of said company shall be deemed and considered personal property, and shall be transferable in such manner as shall be prescribed by the by-laws of said company.

To examine road.

Sec. 19. Whenever complaint shall be made to either of the three commissioners appointed in pursuance of the provisions of this act, that any part or parts of said road are out of repair, it shall be the duty of such commissioner to give notice to the other two commissioners, who, with him, shall proceed to examine such part or parts of said road; and if the same shall, in the opinion of such commissioners, be out of repair, then the said commissioners shall give notice in writing of such defect, to the toll gatherer or person attending the gate nearest the place so out of repair; and may also in their discretion,

Gates opened.

in the said notice, order such gate or gates to be thrown open; and the said gate or gates so ordered to be thrown open, shall after service of such notice as aforesaid, be and remain open, and no tolls shall be demanded until after said road is put in complete repair; and if such keeper of the gate shall not immediately after the receipt of said notice, open the gate and keep the same open until such repairs are completed, or shall hinder or detain any person or persons in passing said gates, or shall take and demand any toll from any person or persons, after receiving such notice, and until such repairs are completed, as aforesaid, the toll gatherer or gate keeper so detaining any person as aforesaid, shall forfeit and pay to the person so detained, the sum of twenty-five dollars for each and every offence, to be recovered in an action of debt before any justice of the peace in the county where said detention occurs, and the property of said company shall be liable on said judgment, and the same may be taken on any execution issued thereon, in the same manner as if the same were against said company in its corporate name; and the said commissioners appointed under and by virtue of this act, shall receive as

Compensation.

a compensation for their services, one dollar and fifty cents per day for every day they are employed, to be paid by the toll gatherer

nearest to where the service was rendered, out of the moneys collected at such places; and in default of said payment, the toll gatherer and the stockholders of said company shall individually be liable to said commissioners.

Sec. 20. The said directors shall keep a set of corporate books, open at all times to any or all of the stockholders, in which shall be entered the cost of the construction of said road and fixtures, and also the expenditures of said company, and all moneys by them received; an accurate account of the same shall be submitted to the legislature, duly attested by the oath of the officers of said company whenever it shall be required; and the said directors shall make a semi-annual dividend to each and every stockholder of his proportion of the profits after deducting the expense of collecting said tolls and of repairing said road and fixtures. <sup>Directors to keep books.</sup>

Sec. 21. And the said board of directors shall have power to establish such by-laws and regulations as may be necessary for the management of the affairs of said company, and may appoint a secretary and treasurer to the board, and may do all further acts necessary to carry into effect the objects of this incorporation. <sup>May make by-laws.</sup>

Sec. 22. The stockholders of said company shall be individually liable for all the debts of said company contracted while they were the owners of stock in said company: *Provided*, that the individual property of any stockholder shall not be liable to execution until all the property of such company liable to execution shall have been first exhausted. <sup>Liability.</sup>

Sec. 23. If the said company shall not complete one half of said road from Utica to Detroit within three years from the passage of this act, and the balance of said road within five years from the passage of this act, or if either of said toll gates on said road, shall be kept open for the period of two months after notice is given that said road is out of repair, agreeably to the provisions of the nineteenth section of this act, then, and in either case, the powers and privileges granted to said company by this act, shall cease, and be null and void. <sup>Time of completion.</sup>

Sec. 24. This act may at any time be amended, altered or repealed by the legislature.

Sec. 25. This act shall take effect and be in force from and after its passage.

Approved May 4, 1846.

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No. 100.

AN ACT to organize the township of South Haven, in the county of Van Buren, and for other purposes.

South Ha-  
ven organ-  
ized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that part of the county of Van Buren designated by the United States survey as fractional townships numbered one and two, south of range number seventeen west, and fractional township number two, south of range number eighteen west, and township number two, south of range number sixteen west, be, and the same is hereby organized into a separate township by the name of South Haven; and all the acts of the township officers of the said township of South Haven, as heretofore organized by law, shall be good and valid so far as said acts relate to any portion of the territory herein described.

Sec. 2. Section nine of an act entitled, "an act to organize certain townships, to change the names of certain townships, and for other purposes," approved March nineteenth, one thousand eight hundred and forty-five, be and the same is hereby repealed.

Orangeville  
organized.

Sec. 3. All that part of the county of Barry designated by the United States survey as township number two, north of range ten west, (now part of the township of Prairieville) be and the same is hereby set off and organized into a separate township by the name of Orangeville, and the first township meeting therein shall be held at the house of Isaac Fish.

Sec. 4. So much of this act as relates to the township of South Haven, in the county of Van Buren, shall take effect and be in force from and after its passage; and so much as relates to the township of Orangeville, in the county of Barry, shall take effect and be in force from after the first day of April next.

Approved May 4, 1846.



No. 101.

AN ACT to incorporate the Marshall and Union City Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Justus Goodwin, Jarvis Hurd and Chester Hammond, are hereby appointed commissioners, with power and authority to survey and lay out a road commencing at the railroad depot in the village of Marshall, in the county of Calhoun, and running thence on the most eligible route to Union City in the county of Branch. Com'rs appointed

Sec. 2. The damages sustained by reason of the laying out and opening of said road may be ascertained by the agreement of the owner or agent of the land through which said road may be run and the commissioners aforesaid; and in case such agreement be not made, or in case the owner or agent of the land shall not in writing release all claims to damages, the same shall be assessed by said commissioners. Damages.

Sec. 3. Said commissioners shall cause a correct map and survey of said road, with the assessment aforesaid, and an account of the charges and expenses of laying out the same, to be filled with the clerk of the circuit court for the county of Calhoun, which said court shall, at its next session thereafter, examine into the principle by which the assessments shall have been made, and into the fairness and justice thereof, and shall have power to increase or reduce such damages as in their judgment shall be just and reasonable. Survey to be filed.

Sec. 4. That as soon as a correct copy of the survey of so much of said road as shall be laid out through any township, shall be filed in the township clerk's office of such township, together with the agreements, releases and the assessments as finally established by said court, and said damages and the expenses of laying out said road shall have been paid by a company to be formed to make and keep said road in repair, then in that event said road as laid out shall be established as an open highway to be used and improved as such, under the restrictions in this act provided. Copy to be filed.

Sec. 5. Said commissioners either before or immediately after proceeding to survey and lay out said road may receive subscriptions to the capital stock of the company to be formed, the capital stock To receive subscriptions

whereof to be divided into four thousand shares of twenty-five dollars each ; and they shall cause books to be opened to receive subscriptions at the court house in the village of Marshall, and at the post office in Union City, for two successive days as they shall direct, first giving twenty days notice of the time and place by publication in some newspaper printed in Marshall.

First instal-  
ment.

Sec. 6. All persons subscribing for said capital stock shall pay to said commissioners on each share subscribed, the sum of one dollar at the time of making the subscription, which said sum the commissioners shall pay over to the directors of said company, when the same shall have been chosen.

Name of  
corporation.

Sec. 7. All persons who shall become stockholders pursuant to this act, are hereby constituted a body corporate, by the name of the Marshall and Union City Plank Road Company, and by that name they and their successors shall and may have succession, and shall be capable in their corporate name, to sue and be sued, appear, prosecute and defend to final judgment and execution in any courts or elsewhere, to have a common seal, to purchase and hold such real and personal estate as may be necessary for the construction or repair of said road, the bridges and toll gates thereon, or as may be necessary and convenient for the erection of toll houses.

Powers.

Sec. 8. The corporation hereby created shall possess the powers and privileges and be subject to the general liabilities of turnpike corporations, as prescribed in the third chapter of the tenth title of the first part of the revised statutes, or in the acts passed, or that may hereafter be passed amendatory or in alteration thereof, except so far as the same are or may be inconsistent with the provisions of this act.

Notice of 1st  
meeting.

Sec. 9. As soon as the whole or one half the capital stock shall have been subscribed for, the commissioners shall forthwith give at least ten days notice of the time and place for the first meeting of the stockholders by publication in a newspaper printed in Marshall, at which time and place the stockholders shall choose five directors to conduct the business of said company, who shall hold their offices for one year, or until others are chosen, and one of whom, said directors shall annually elect to be their president.

Sec. 10. All subsequent elections of directors, shall be held at

such time and place as the by-laws of said corporation shall direct, thirty days notice thereof being first given by publication in some newspaper in the village of Marshall; at all meetings of the corporation each stockholder may vote either in person or by proxy, each share being entitled to one vote, but said corporation shall not be dissolved by reason that the annual election is not held at the time above mentioned.

When subsequent elections to be held.

Sec. 11. The said corporation shall be and is hereby authorized to construct and keep in repair a plank road from the depot of the Central Railroad in the village of Marshall to Union City in the county of Branch, by such route as shall have been surveyed and laid out by said commissioners; said road to be built of good sound plank, not less than eight feet long, and three inches in thickness, and in such manner as to make a plank road at all seasons of the year, and whenever other roads intersect, said plank road shall be so constructed and covered as to allow the convenient passage of carriages.

May construct plank road.

Sec. 12. The directors of said company may call for and demand of the subscribers and stockholders all such sums of money as are by them respectively subscribed, which said sums such stockholders and subscribers are hereby declared liable to pay at such times and in such portions as the directors shall deem best for the interest of the company, the said directors giving at least thirty days notice of such call in a newspaper published in the village of Marshall, and in case of failure to pay the same the said directors may declare the shares of such subscribers or stockholders so failing forfeited, and such shares with all previous payments made thereon, shall be thereby forfeited and become the property of said company.

Directors may call in instalments.

Sec. 13. Said directors may commute with the subscribers to the stock of the company by allowing them in lieu of paying their subscription, to take contracts, on giving satisfactory security for the fulfilment thereof, for the furnishing of materials, or the executing of any part of the work to be done on said road.

To commute with stockholders.

Sec. 14. As soon as the whole or five miles of said road shall have been completed, it shall be lawful for said president and directors to give notice thereof to the person administering the executive department of the government of this state for the time being, who shall thereupon forth-

Gov. to appoint commissioners.

with appoint three discreet freeholders commissioners, who are in no way interested in said road to view the same and report to him in writing whether such part of the road is completed in a workmanlike manner according to the intent and meaning of this act, and if the report shall be in the affirmative, it shall be his duty, and he is hereby required by license under his hand and the seal of the state, to permit the said president and directors to make and erect so many gates upon and across said road as may be necessary and sufficient to collect the dues and tolls hereinafter granted to the said corporation, from all persons travelling or using the same: But not more than two whole toll gates, or one whole toll gate and two half toll gates shall ever be placed across said road. The commissioners appointed as aforesaid shall hold their offices until their successors are appointed by the executive aforesaid, or other provision is made for such appointment pursuant to the provisions of section eight of this act.

License to  
erect gates.

Sec. 15. As soon as five miles of said road shall have been completed and permission granted as aforesaid, to erect a half toll gate or gates upon and across the same, it shall and may be lawful for said president and directors to appoint toll gatherers to collect and receive of and from all and every person and persons using said road, at each and every of said whole toll gates, and at each half toll gate in proportion, such tolls and duties to wit: For every score of hogs or sheep, ten cents; for every wagon drawn by two horses, mules or oxen fifteen cents; for every additional horse, mule or ox, three cents; for every coach, pleasure wagon, or pleasure carriage drawn by two horses, twenty cents; for every additional horse, three cents; for every chaise, sulky or pleasure carriage drawn by one horse, ten cents; and every additional horse three cents; for every cart drawn by two oxen, ten cents, and for every additional yoke of oxen, four cents; for every horse or mule, rode, led or driven, four cents; for every cart drawn by one horse, five cents; for all sleighs or sleds drawn by one or more horses, mules or oxen, half the toll for vehicles on wheels; for every horse or mule and rider, five cents. And it shall and may be lawful for any toll gatherer to stop any person riding, leading or driving any horses, cattle or sheep, or article named above in this section as subject to pay toll, until the same be paid: *Provided, however,* That nothing in this act shall be con-

May appoint  
toll gatherers.

Rates of toll

Previous.

strued to entitle the said corporation to demand or receive toll at any gate, of or from any person passing to or from public worship or going to or returning from funerals, or going to or from a grist mill, for the grinding of grain for family use, or from any troops in the service of this state or of the United States, or for the transportation of any property belonging to the United States or to this state.

Sec. 16. The said corporation shall cause mile stones or posts to be erected and maintained, one for every mile of said road from Marshall to Union City, and on each stone or post shall be legibly marked or inserted, the distance the said road is from the Central Railroad depot in Marshall, and if any person shall wilfully cut, injure or destroy said mile stones or posts, or said road itself, or shall forcibly pass said gates without payment of toll, such person or persons shall forfeit and pay for every such offence, a sum not exceeding twenty-five dollars, to be recovered in action of debt, before any justice of the peace in the county where said offence is committed, or where the offender may be found; such offender or offenders shall also be liable to said company for all damages which said company shall sustain by reason of the commission of any wilful injury to said posts or stones, or gates, or to said road.

Shall erect mile stones.

Penalty for not paying toll.

Sec. 17. If any toll gatherer shall unreasonably detain or hinder any traveller or passenger at either of said gates, or shall demand or receive more tolls than by this act are established, he shall for every such offence forfeit and pay twenty-five dollars, to be recovered by the person so unreasonably detained, for his own use, with costs of suit, before any justice of the peace in the county where such detention occurred: *Provided*, That if no goods and chattels can be found to satisfy such judgment and costs, then in that case the personal property of said company shall be liable to execution issued on said judgment, and the same may be taken on such execution in the same manner as if said execution was against said company in its corporate name.

Penalty for detaining travellers.

Sec. 18. The shares of the capital stock of said company shall be deemed and considered personal property, and shall be transferable on the books of said company in such manner as may be prescribed by the by-laws of said company.

Shares deemed personal property.

Sec. 19. Whenever complaint shall be made to either of the three

Com's may  
order gates  
opened.

commissioners appointed in pursuance of the provisions of the fourteenth section of this act, that any part or parts of said road is out of repair, it shall be the duty of such commissioner to give notice to the other two commissioners, who with him, shall proceed to examine such part or parts of said road; and if the same be out of repair, then the said commissioners shall give notice in writing of such defect, to the toll gatherer or person attending the gate nearest the place so out of repair; and may also in their discretion, in the said notice order such gate or gates to be thrown open; and the said gate or gates so ordered to be thrown open, shall after service of such notice as aforesaid, be and remain open, and no tolls shall be demanded until after said road is put in complete repair; and if such keeper of the gate shall not immediately after the receipt of said notice, open the gate and keep the same open until such repairs are completed, or shall hinder or detain any person or persons in passing said gates, or shall

Penalty for  
not opening  
gates.

take or demand any toll from any person or persons, after receiving such notice, and until such repairs are completed, as aforesaid, the toll gatherer or gate keeper so detaining any person as aforesaid, shall forfeit and pay to the person so detained, the sum of twenty-five dollars for each and every offence, to be recovered in an action of debt before any justice of the peace in the county where said detention occurs, and the property of said company shall be liable on said judgment, and the same may be taken on any execution issued thereon, in the same manner as if the same were against said company in its corporate name; and the said commissioners appointed under and by virtue of this act, shall receive as a compensation for their services, one dollar and fifty cents per day for every day they are employed, to be paid by the toll gatherer nearest to where the service was rendered, out of the moneys collected at such places; and in default of said payment, the toll gatherer and the stockholders of said company shall individually be liable to said commissioners.

Execution  
may be lev-  
ied on prop-  
erty of  
company.

Sec. 20. The said directors shall keep a set of corporate books open at all times to any or all of the stockholders, in which shall be entered the cost of the construction of said road and fixtures, and also the expenditures of said company, and all moneys by them received, and an accurate account of the same shall be submitted to the legislature, duly attested by the oath of the officers of said com-

Books of co  
to be kept  
open to in-  
spection.

pany whenever it shall be required; and the said directors shall make a semi-annual dividend to each and every stockholder of his proportion of the profits after deducting the expenses of collecting said tolls and of repairing said road and fixtures.

Sec. 21. And the said board of directors shall have power to establish such by-laws and regulations as may be necessary for the management of the affairs of said company, and may appoint a secretary and treasurer to the board, and may do all further acts necessary to carry into effect the objects of this incorporation. <sup>May establish by-laws</sup>

Sec. 22. If the said company shall not complete one half of said road from Marshall to Union City within three years from the passage of this act, and the balance of said road within five years from the passage of this act, or if either of the said toll gates on said road, shall be kept open for the period of two months after notice is given that said road is out of repair, agreeably to the provisions of the nineteenth section of this act, then, and in either case, the powers and privileges granted to said company by this act, shall cease, and be null and void. <sup>Forfeiture of charter.</sup>

Sec. 23. This act may at any time be amended, altered or repealed by the legislature.

Sec. 24. This act shall take effect and be in force from and after its passage.

Approved May 4, 1846.

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No. 102.

AN ACT to incorporate the Corunna and Northampton Turnpike Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Seth Beach, Alexander McArthur, Ebenezer C. Kimberly, Egbert J. Van Buren, Luke H. Parsons, Andrew Parsons, Harlow Beach, Joseph Purdy, Isaac Gale, Isaac Carth, James Cummins, Lyman Bennett and Robert R. Thompson, be and they are hereby appointed directors of the Corunna and Northampton Turnpike Company, under whom or any three of whom, subscriptions may be received to the capital stock of said company, which is hereby incorporated. <sup>Incorporation.</sup>

Books to  
be opened.

Sec. 2. The said directors shall have power, and it is hereby made their duty, to cause books to be opened at any appropriate house which a majority of them shall designate, in the villages of Corunna and Northampton, or at any other place in the county of Shiawassee or of Saginaw, for two successive days or more, at either of said places, and at such time as a majority of said directors shall appoint, for the purpose of receiving subscriptions to the capital stock of said company; and the subscribers thereto, their successors and assigns, for the period of thirty years from and after the passage of this act, are hereby ordained, constituted, and appointed a body politic and corporate, under the name and style of the "Corunna and Northampton Turnpike Company," and by that name, for the period aforesaid, may have succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes of whatever name or nature. And the said stockholders, their successors and assigns, as such corporation, may have and keep a common seal, and shall be capable in law of purchasing and holding any lands, tenements, and real or personal estate whatsoever: *Provided*, The same shall be necessary for the construction, repair, or preservation of said turnpike, or for the erection of toll gates and toll houses thereon.

Provided.

Capital  
stock.

Sec. 3. The capital stock of said company shall be eighty thousand dollars, and shall be divided into three thousand two hundred shares, of twenty-five dollars each, which shall be paid to said directors or to their successors in office, at such times and in such instalments as shall be required by the by-laws of said company.

Time of  
holding of  
elec.

Sec. 4. The above named directors shall continue in office until the first day of May, one thousand eight hundred and forty-six, at which time there shall be elected nine directors, one of whom shall be appointed president of said company, and who shall severally hold their offices for one year, or until their successors shall be elected. The first election shall be held at the court house, in the village of Corunna, on the first day of May aforesaid, at one of the clock P. M., and annually thereafter said election shall take place on the first Monday of May, at such time and place as a majority of the



directors shall determine; and the notice of each annual election shall be given by publishing the same in a newspaper printed nearest to the line of said turnpike, three weeks in succession next previous to such election; *Provided*, That in the election of directors, each stockholder may vote either in person or by proxy, and that each share shall be entitled to one vote: *And provided further*, That the president and all officers other than the directors of the company, shall be chosen by the said directors, and that this incorporation shall not be deemed to be dissolved by reason of a failure to hold the annual election at the time above mentioned; but in such cases the said election may be held at such other time and place as the directors for the time being shall determine, notice thereof being given as above provided in case of annual elections.

Sec. 5. The said company are hereby authorized to take possession of the state road leading from the village of Corunna in the county of Shiawassee, to Northampton, in the county of Saginaw, that upon or near the line of said road, under the superintendence of the president and directors of said company, there may be constructed a good and sufficient turnpike, at least twenty-four feet wide from the inner side of one ditch to the other; which ditches shall be of sufficient width and depth, with under sluices and outlets to drain the water from said road, which when graded and raised to a proper height, shall be covered with charcoal to the depth of eighteen inches in the center, gradually sloping to the depth of twelve inches at each side, to the full width aforesaid; or it shall be covered with pounded stone or gravel to the depth of nine inches in the centre, gradually sloping to the depth of six inches at each side, substantially McAdamising the same as above, sixteen feet in width; or there shall be made upon the centre of said road a good and sufficient plank road, at least sixteen feet in width, and of sufficient permanence to make a good road at all seasons of the year; or there may be constructed on said route in lieu of either of the above mentioned kinds of roads, any other kind of turnpike which a majority of the board of directors, at their first or second meeting shall deem most beneficial to the interests of the stockholders, and most conducive to the public good; or it shall be competent to construct a part of the said road as above specified for making a charcoal road, and to make the balance of the same in

either of the ways specified above. Whenever other roads intersect the above turnpike, the ditches on either side shall be so constructed and covered, as to admit the convenient passage of carriages of any description.

To elect  
President.

Sec. 6. The directors named in the first section of this act, shall, at their first meeting, appoint one of their number president, who shall preside at the first election of directors, and at all subsequent elections the president shall preside, or in case of his absence the senior director present. A majority of the directors shall, at all times constitute a quorum to transact business, and the acts of the majority shall at all times bind the stockholders.

To locate  
road.

Sec. 7. The aforesaid directors, as soon as the capital stock shall be taken, or such part thereof as they shall deem necessary to construct said road from Corunna to Northampton, shall, by a survey, permanently locate said road, provided the line thereof shall in no case exceed one and one half mile in distance from the line of the aforesaid state road, as now located. A copy of said survey shall be filed with the clerk of said company, and so much thereof as is embraced in each organized township through which the same shall pass shall be filed with the clerk of such township within sixty days from the date of such location.

Time road  
shall be  
commenced

Sec. 8. Said road shall be commenced within one year from the passage of this act, and shall be completed within eight years. And when said road shall be completed, or five miles thereof, it shall be lawful for the directors of said company to give notice thereof to the associate judges of Shiawassee county, who shall personally examine from time to time, such portions of such road as may be completed, and if they find the same done according to the true intent and meaning of this act, they shall certify the same in writing to the clerk of Shiawassee county, and direct him to issue a license, under the seal of said county, to permit said president and directors to make and erect as many gates upon and across said road as may be necessary and sufficient to collect the dues and tolls, hereinafter granted to said incorporation, from all persons travelling or using the same: *Provided, however,* That they shall not have on said turnpike from Corunna to Bad river, more than one gate for taking whole toll, and two gates for taking half toll, or in that proportion for so much of

said road as may at the time be finished, and shall erect no gate within half a mile of said village of Corunna.

Sec. 9. That after said road, or any part thereof, shall have been finished, and gates erected thereon, pursuant to license granted as <sup>To examine road.</sup> aforesaid, it shall be lawful for the judges of the county in which said road or any part thereof may be located, at their own option, or at the written request of five freeholders living within the county in which the said road or any part thereof may be located, to proceed to examine said road, and if the same or any part thereof, shall, in the opinion of said judges, be out of repair, then they shall give notice in writing of such defect, to any toll gatherer or gate keeper on said road, and may also in their discretion, in said notice, order such gate or gates to be thrown open, and the said gate or gates so ordered to be thrown open, shall, after service of such notice as aforesaid, be and remain open, and no tolls shall be demanded until after said road is put in complete repair. And if such keeper of the gate shall not immediately after the receipt of such notice, open such gate, and keep the same open until such repairs are completed, or shall hinder or detain any person or persons in passing said gates, or shall take or demand toll from any person or persons, after receiving such notice, and until such repairs are completed as aforesaid, the toll gatherer or gate keeper so detaining any person as aforesaid, shall for <sup>Penalty.</sup> Penalties. forfeit and pay to the said person so detained as aforesaid, the sum of twenty-five dollars for each and every offence, to be recovered in an action of debt before any justice of the peace in any town where such detention occurs; and the property of said company shall be liable on said judgment, and the same may be taken on such execution, in the same manner as if the same were against said company in its corporate name; and the judges, under and by virtue of this act, shall receive as a compensation for their services one dollar and fifty cents per day for every day they are employed, to be paid by the toll gatherer of the gate nearest to where the service was rendered, out of the monies collected at such places; and in default of such payment by said toll gatherer, said company shall individually be liable to said judges.

Sec. 10. As soon as the license mentioned in section eight of this act shall be granted, it shall be lawful for the president and directors <sup>To appoint toll gatherers.</sup> of said company to appoint toll gatherers, to collect and receive from

Rates of toll

all and every person and persons using said road, the following tolls, to wit: For every score of hogs or sheep, ten cents; for every wagon drawn by two horses, mules or oxen, twenty-five cents; for every additional horse, mule or ox, five cents; for every cart drawn by two oxen, twenty-five cents; for every additional ox, five cents; for every horse or mule, rode, led or driven, ten cents; for every cart or carriage, on wheels, drawn by one horse, mule or ox, fifteen cents; for all sleighs or sleds, drawn by one or more horses, mules or oxen, half the toll for vehicles on wheels; for every horse or mule and rider, twelve cents; for every head of neat cattle, driven, three cents: *Provided*, That a proportionate amount of toll shall only be collected when the distance travelled is only over a part of said road.

To detain persons, &amp;c.

Sec. 11. It shall and may be lawful for any toll gatherer to stop and detain any person riding, leading or driving any cattle, horses, sheep, swine, or any article named in section ten as subject to pay toll, until the same shall be paid: *Provided, however*, That nothing in this act shall be construed to entitle the said corporation to demand or receive toll at any gate of or from any persons passing to or from public worship, or going to or returning from funerals, or going to or from a grist mill, for the grinding of grain for family use, or from any troops in the service of this state or the United States, or for the transportation of any and all the property belonging to the United States or this state.

Power to make road.

Sec. 12. The said corporation, by virtue of this act, shall have power to make a road, as mentioned in section five, from a point on Shiawassee Avenue, in the village of Corunna, in said county of Shiawassee, where the same intersects the south line of Fraser street, in said village, to the village of Northampton, in Saginaw county, and power is hereby given to said corporation to extend said road, at any time within eight years, to any point on Bad River in said county of Saginaw, the distance from Northampton not to exceed ten miles. Said road may be constructed across or over any lands belonging to the state at the date of such survey and location mentioned in the seventh section of this act, and the said state of Michigan does hereby release to said corporation the right of way through said lands, together with the privilege of entering upon said lands, for the purpose of making the necessary surveys, and of constructing

said road; and said corporation shall have the right to cut down and use any and all timber on said lands for the purpose of making and constructing said road, which shall not be situated over ten rods from the centre each way of said road.

Sec. 13. The said corporation shall cause mile-stones or posts to be erected, one for every mile of said road, from Corunna northward; and on each stone or post shall be legibly marked or inserted the distance said stone or post is from Corunna, computing said distance from the southern extremity of said road; and if any person shall cut, injure or destroy said mile-posts, or said road itself, or shall forcibly pass the gates without payment of toll, such person or persons shall individually forfeit and pay, for every such offence, the sum of twenty-five dollars, to be recovered by said corporation in their corporate name, and for their benefit, in an action of debt, before any justice of the peace, not a stockholder in said corporation, in the county where such offence may be committed, or where the offender may be found; and such offender shall also be liable in an action on the case, or in trespass, as the case may be, for all damages which said company shall sustain by reason of the commission of any injury which said road may sustain.

*Mile stones to be erect'd*

*Penalty.*

Sec. 14. That if any toll gatherer shall unreasonably detain or hinder any traveller or passenger at either of the said gates, or shall demand or receive more toll than by this act is established, he shall for every such offence, forfeit and pay twenty-five dollars, to be recovered by the person so unreasonably detained, for his own use, with costs of suit, before any justice of the peace in the county where such detention occurred: *Provided*, That if no goods and chattels can be found to satisfy such judgment and costs, then, and in that case, the personal property of said company shall be liable to execution issued on said judgment, and the same may be taken on such execution in the same manner as if such execution was against said company in its corporate name.

*Penalty.*

Sec. 15. The shares of said corporation shall be held as personal property, and may be transferable in such manner as the president and directors shall direct.

*Shares deemed personal property.*

Sec. 16. The said president and directors shall appoint a treasurer, who shall also act as secretary of said corporation. Before entering upon the duties of his office, the said treasurer shall execute a

*To appoint treasurer.*

bond in such sum and such form as the president shall approve, to the said company, in their corporate name, conditioned for the faithful performance of his duties, which bond shall be kept by the president. Said treasurer shall register, in separate books, all sums of money deposited with him, from what source and for what purpose, and to whom the same shall be paid out. He shall also meet with the directors from time to time, at such places as may be necessary, to receive subscriptions, until the subscription books shall be closed, and shall also demand, at such time and in such proportions as said president and directors shall designate, from the stockholders the sum or sums of money due on their respective shares under pain of forfeiture of such shares.

May keep  
books.

Sec. 17. Said company shall keep a set of corporate books, open at all times to any and all of said stockholders, in which shall be entered the costs of the construction of said road, fixtures, and all the expenses of said company, and also all monies by them received; and an accurate account of them, duly sworn to or affirmed, shall be submitted to the legislature whenever required. Said directors shall also, on the first Tuesday of June and December, in each year, make dividends to each and every stockholder of his proportion of the semi-annual profits of said road, after deducting the expenses of collecting the tolls, repairing said road and the fixtures of the same, and said president and directors shall have all other powers necessary to carry into full force and effect the object of this incorporation.

Time of  
completion.

Sec. 18. If said company shall not, within two years from the passage of this act, commence and construct three miles of said turnpike, and within eight years finish and put in operation the whole of said road, from the village of Corunna to Bad River, then the rights, powers and privileges hereby granted to said company, shall be null and void to such parts of said road as shall not be so finished and put in operation.

Liability.

Sec. 19. Each stockholder of said company shall be individually liable to the amount of his stock for all debts of said company after the property of the company liable to execution shall be exhausted.

Sec. 20. The legislature may alter, amend, modify or repeal this act.

Sec. 21. This act shall take effect and be in force from and after its passage.

Approved May 4, 1846.

No. 103.

AN ACT to amend an act entitled "an act to incorporate the Detroit and Grand River Plank Road Company," approved March 12, 1844.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section one of the act entitled Sec. one amended. an act to incorporate the Detroit and Grand River Plank Road Company, approved March twelfth, eighteen hundred and forty-four, be, and the same is hereby amended so as to read as follows, to wit :

"Be it enacted by the Senate and House of Representatives of the state of Michigan, That Charles P. Bush, Eli Barnard, of the county of Livingston, John Thomas and Milton C. Bottsford, of the county of Oakland, and Levi Cook, Franklin Moore and Thomas Lewis, of the county of Wayne, be, and they are hereby constituted commissioners, under the direction of whom, or a majority of whom, subscriptions may be received to the capital stock of the Detroit and Grand River Plank Road Company, hereby incorporated ; and they shall cause books to be opened at the village of Howell, in the county of Livingston, and at the office of the City Clerk in the city of Detroit, in the county of Wayne, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the time and place of taking such subscriptions, by publishing said notice in two papers printed in the said city of Detroit, and in one printed at Howell aforesaid ; and the said subscribers shall pay two dollars on each share subscribed, at the time of subscribing therefor ; and such subscribers, their successors and assigns, for the period of forty years after the passage of this act, be and they are hereby constituted and declared to be a body corporate and politic, under the name of the Detroit and Grand River Plank Road Company, Com'rs to cause books to be open'd and by that name they and their successors for the period aforesaid, Name of corporation. shall and may have succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering, and

being answered unto, defending and being defended in all courts whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and they and their successors may have a common seal, and that they and their successors, by the name aforesaid, shall be in law capable of purchasing and holding any lands, tenements, hereditaments and real estate, whatsoever, necessary for the construction, preservation and repair of said road, and for the erection of toll gates and toll houses thereon, as provided for by this act."

Sec. four  
amended.

Sec. 2. That section four of the act to which this act is amendatory, be and the same is hereby amended so as to read as follows, to wit: "That the said company be, and they are hereby authorized to take immediate possession of the Grand River turnpike, from the city of Detroit to the said base line; and that upon and within the line of the said turnpike, the said company shall cause to be laid down and constructed a good and substantial plank, macadamized or charcoal road from the city of Detroit to the said point where the base line intersects said turnpike; such road to be not less than sixteen feet in width, and of such materials and description as shall make the same a good and substantial road at all seasons of the year; said company shall have power, and it shall be their duty to cut a ditch on either or both sides of such road as may be necessary for that purpose, sufficiently deep to drain the water from said road; and whenever other roads intersect their said road, the said company shall so construct the same, and cover said ditches, as to allow the convenient passage of carriages and other vehicles across the same."

Amendment  
to the 1st  
proviso of  
6th section.

Sec. 3. That the first proviso of the sixth section of the act to which this act is amendatory, be and the same is hereby amended so as to read as follows, to wit: "*Provided*, That said half toll gates shall be at or near the ends of said road; and the full toll gate near the centre of the length of said road, at which shall be collected the dues and tolls hereinafter granted to the said corporation from all persons travelling or using the same."

Sec eleven  
amended.

Sec. 4. That section eleven of the act to which this act is amendatory, be, and the same is hereby amended so as to read as follows, to wit: "The shares of the capital stock of said company shall be deemed and considered to be personal property, and shall be transfer-



able on the books of said company in such manner as the president and directors may direct."

Sec. 5. That the act to which this act is amendatory be and the same is hereby amended by adding thereto the following sections to stand as sections eighteen and nineteen, respectively as follows, to wit :

"Sec. 18. The president and directors of said company shall be, and they are hereby invested with all the privileges, rights and powers necessary for the location, construction and keeping in repair said road and the said president and directors, or their agents, or those with whom they may contract for making said road, or any part of it, may enter upon, use and excavate any land which may be wanted for the site of said road, or any other purpose which is necessary in the construction or repair of said road or its works, so soon as the amount of compensation therefor is ascertained and tendered as hereinafter provided."

Sec. 19. The president and directors of said company may agree with the owner or owners of any land, for earth, timber, gravel, stone or any articles whatsoever, which may be wanted in the construction or repair of said road, or any of its works, for the purchase or occupation of the same ; and if such materials, (not previously taken or appropriated by the proprietor thereof to any particular use) as may be necessary for the construction and repairs of said road, or any of its works, be found on any improved land adjoining or near the same, and if the parties cannot agree, or if the owner or owners of any of them be a feme covert, under age, non compos mentis, or out of the county in which the property wanted may be, application may be made to any justice of the peace of said county, who shall thereupon issue his warrant, directed to the sheriff of said county ; or if the sheriff be interested, to some disinterested person requiring him to summon twelve freeholders in the county, not in any way interested in the matter, or related to the parties, to meet, on or near the property or materials to be valued, on a day named in said warrant, not less than five, nor more than ten days after issuing the same ; and if at the same time and place, any of the persons summoned, do not attend, the said sheriff or summoner shall immediately summon as many as may be necessary with the persons in attendance as jurors, to furnish a pannel of twelve jurors, and from them, each

party, his, her or their agent or attorney, or if either be not present in person or by agent, the sheriff or summoner for him, her or them, may strike off three jurors, and the remainder shall act as a jury of inquest of damages; and before they act as such, the sheriff or summoner shall administer to each of them an oath or affirmation, that they will justly and impartially value the damages which the owner or owners will sustain by the use or occupation of the land, materials or property required by said company; and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall be sent to the clerk of the county, and by him filed in his office, and shall be confirmed by the circuit court of said county at its next session, if no sufficient cause to the contrary be shown; and when confirmed, the same shall be recorded by the said clerk at the expense of said company; but if set aside, said court may direct another inquisition to be taken in the manner above specified. Said inquisition shall describe the property taken and the bounds of land required by said company; such valuation when paid or tendered to the owner or owners of said property, his, her or their legal representatives shall entitle said company to the estate and interest in the same, thus valued, as fully as if it had been conveyed by the owner or owners of the same, for such term of time as said company shall occupy the same as a road under the provisions of this act. And if the valuation be not received when tendered, it may at any time thereafter be received from the company without cost; and the sheriff or summoner, and jurors shall be allowed the ordinary fees for like services to be taxed by the court: *Provided*, That the said company shall not have power to take the land of any person for the purposes of said corporation, until full payment shall have been made or tendered to such person, for all damages assessed to him, together with the costs of said inquisition or assessment.

Inquest to  
be in writ'g

Damages

Compensation.

Sec. 6. The legislature may at any time alter, amend, modify or repeal this act or the act to which this act is amendatory, on making compensation to said company.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved May 4, 1846.

No. 104.

AN ACT to incorporate the Battle Creek and Grand Rapids Railroad Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Alonzo Noble, Sands McCamly, Jonathan Hart, William A. Richmond and Amos Rathbone, be, and they are hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of the Battle Creek and Grand Rapids Railroad Company, first giving thirty days notice of the times and places of taking such subscriptions, by publishing such notice in one of the public newspapers in Calhoun and Kent counties. Commissioners.

Sec. 2. The capital stock of said company shall be six hundred thousand dollars, in twelve hundred shares of fifty dollars each; and as soon as one hundred shares of said stock shall be subscribed, the subscribers thereto, with such other persons as shall associate with them for that purpose, their associates and assigns, shall be, and they are hereby created a body corporate and politic, by the name of the Battle Creek and Grand Rapids Railroad Company, with perpetual succession; and by that name shall be capable in law of purchasing, holding, leasing and conveying estate, either real, personal or mixed, so far as the same may be necessary for the purpose hereinafter mentioned, and no further; and in their corporate name may sue, and be sued, but in case judgment is obtained against them they shall pay full costs; may have a common seal which they may alter or renew at pleasure, and shall have, and may enjoy, and exercise all the powers, rights and privileges which may be necessary to carry into effect the purposes and objects of this act. Capital stock.

Sec. 3. Said company hereby created, shall have power to construct a Railroad with a double or single track, from Battle Creek, in the county of Calhoun, to Grand Rapids, in the county of Kent, with power to take, transport and carry property and persons upon the said Railroad or any part thereof, herein authorized to be constructed, by the power and force of steam, or of animals, or any combination of them. Name of co. and powers.

Sec. 4. If said company shall not, within three years after the passage of this act, commence the construction of said road, and May construct road.

Sec. 4. If said company shall not, within three years after the passage of this act, commence the construction of said road, and When to commence.

shall not within five years construct twenty miles of said road, and within ten years from the passage of this act, construct, finish, and put in operation the whole of said road, then the rights, privileges and powers of said company shall be null and void so far as it regards such part of said road as shall not be finished within the limits of this act.

**1st meeting.** Sec. 5. Whenever one hundred shares of the capital stock shall have been subscribed, if within three years from the passage of this act, the commissioners shall call a meeting of the subscribers, at such time and place as they may appoint, by giving thirty days public notice of such meeting, and shall lay the books of subscription before the subscribers then present; and thereupon the said stockholders, or a majority of them shall elect seven directors by ballot, a majority of whom shall be competent to manage the affairs of the company; and said directors are empowered to elect one of their number president; and on all occasions, when a vote of the stockholders is to be taken, each and every share shall entitle the holder thereof to one vote, either by himself or by proxy.

**President.** Sec. 6. To continue the succession of president and directors of said company, seven directors, a majority of whom shall be citizens of the United States, shall be chosen annually, on the first Monday in October, at such place as may be appointed by the directors, one of whom shall be chosen president; and if any vacancy shall occur by death, resignation or otherwise, of any president or director, before the year for which he was elected shall have expired, such vacancy for the remainder of the year, may be filled by the directors of said company, or a majority of them. The president and directors of said company shall hold their office until a new election of president and directors. All elections, which are by this act, or by the by-laws of this company to be made on any particular day, may be made at any time within sixty days thereafter, notice of such meeting being given as prescribed in the preceding section.

**Term of of  
fice.**

**General  
meeting.**

Sec. 7. A general meeting of the stockholders of said company shall be held annually at the time and place appointed for the election of president and directors; and a meeting may be called at any time during the interval between the said meetings by the president and directors, or by the stockholders, owning not less than one-fourth of

the whole stock, by giving thirty days notice of the time and place of meeting; and when any such meeting is called by the stockholders the particular object of such call shall be stated; and if, at any meeting thus called, a majority in value of stockholders are not present in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days without transacting any business; and if within said three days, stockholders having a majority of the stock do not attend such meeting, then the said meeting shall be dissolved.

Sec. 8. At a regular annual meeting of the stockholders of said company it shall be the duty of the President and directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the company; and at any meeting of the stockholders, a majority of those present in person or by proxy, may require similar statements from the President and directors, whose duty it shall be to furnish them when thus required; and at all general meetings of the stockholders, a majority in value of all the stockholders in said company, may remove from office any President, or any of the directors of said company, and elect others in their stead: *Provided*, Notice of such intended removal has been given as required by the seventh section.

Sec. 9. The said President and directors, or a majority of them, shall have power to appoint, contract with and determine the compensation of all such officers, engineers, agents and servants whatsoever, as they may deem necessary for the transaction of the business of the company, and remove them at pleasure; also the manner and evidence of the transfers of the stock in the said company; and they shall have power to pass all the by-laws which they may deem necessary for carrying into execution all the power vested in the company hereby incorporated: *Provided*, Such by-laws shall not be contrary to the constitution or laws of the United States nor of this State.

Sec. 10. The President and directors of said company shall be, and they are hereby invested with all the privileges, rights and powers necessary for the location, construction and keeping in repair said rail road, not exceeding one hundred feet in width; and the said President and directors, or their agents, or those with whom they may contract for making said road, or any part of it, may enter upon, use

and excavate any land which may be wanted for the site of said railroad, or any other purpose which is necessary in the construction or repair of said road or its works, so soon as the amount of compensation therefor is ascertained and tendered as provided in sections six and seven of an act to authorize the sale of the Central rail road and to incorporate the Michigan Central Railroad Company.

Tolls.

Sec. 11. The said company may charge and collect a reasonable sum not exceeding the sums charged by said Michigan Central Railroad Company, for transportation or storage upon all property which shall have been transported by them, upon delivery thereof at any of their depots, and which shall have remained in any of their depots more than four days: *Provided*, The consignee shall have been notified, if known, either personally or by notice left at his place of business or residence, or by notice sent by mail, of the receipt of such property, at least four days before any storage shall be charged:

Responsibility.

*Provided*, That in all cases the said company shall be responsible for goods in deposite in any of their depots, awaiting delivery, as warehousemen, and not as common carriers. And if said company shall charge or take any remuneration for transportation or storage of goods otherwise than as aforesaid, it shall forfeit and pay to the state of Michigan, in each case for so doing the sum of fifty dollars.

May cross other roads.

Sec. 12. Whenever in the construction of said road it shall be necessary to cross or intersect any established road, it shall be the duty of said president and directors so to construct the said railroad across such established road, as not to impede the passage or transportation of persons along the same, and when it shall be necessary to construct it through the land of any individual, it shall be their duty to provide for such individual, proper wagon ways across said road, from one part of his land to another and keep the same in repair.

Sec. 13. If said company shall neglect to provide and keep in repair proper wagon ways across said road as required by this act, it shall be lawful for any individual to sue said company, and he shall be entitled to such damages as a court or jury may think him or her entitled to for such neglect or refusal on the part of said company.

May connect with other roads.

Sec. 14. If it shall be necessary for said railroad company in the selection of the route or construction of said road to be by them laid out and constructed, or any part of it, to connect the same with any

turnpike, road or bridge made or erected by any incorporated company, or authorized by any law of this state, it shall be lawful for said president and directors to contract with any other corporation for the right to use such road or bridge, or for the transfer of any of the corporate or other rights and privileges of such corporation to the said company hereby incorporated; and every such other incorporation acting under the laws of this state, is hereby authorized to make such contract or transfer by and through the agency of the person authorized by the respective acts of incorporation to exercise their corporate powers, or by any persons who are by any law of this state entrusted with the management and direction of such turnpike, road or bridge, or any of the rights and privileges aforesaid; every contract or transfer made in pursuance of the power and authority herein granted, when executed by the several parties, under their respective corporate seals, shall vest in the company hereby incorporated, all the rights and privileges, and the right to use and enjoy the same as fully as they are now used and enjoyed by the said corporation in which they are now vested. Contracts.

Sec. 15. The said president and directors shall have power to purchase with the funds of the said company, and place on any railroad constructed by them under this act, all machines, wagons, carriages or vehicles of any description, which they may deem necessary or proper for the purpose of transportation on said railroad, and they shall have power to charge for tolls and transportation such reasonable sums as shall be established by the by-laws of the company hereby incorporated, not exceeding the rates hereafter to be charged on the road of the Michigan Central Railroad Company for like distances and services; and it shall not be lawful for any company or any other person or persons to transport any passengers, merchandize or property of any description whatever on said road, or any part of it, without the license and permission of said president and directors of said company; and the said road with all its improvements, works and profits, all machinery used on said road for transportation, are hereby vested in said company incorporated by this act, and their successors forever; and the shares of the capital stock of said company shall be considered personal property, and shall be transferable agreeably to the bye-laws of said company, and subject to be taken May purchase cars,  
Shares considered personal property.

on execution agreeably to such laws as are or may hereafter be in force. The right and privilege is hereby reserved to this state, or any company hereafter to be incorporated under the authority of this state, to connect with the road hereby provided for, any other railroad leading from the main route to any part of this state: *Provided*, That in forming such a connection no unnecessary injury shall be done to the works of the company hereby incorporated, and the said company or companies connecting may have the free use of said road by paying the ordinary tariff of tolls established for said road; and this incorporation shall be entitled to the same rights and privileges to any and all roads hereafter connected.

**Dividends.**

Sec. 16. The president and directors shall annually or semi-annually declare and make such dividend as they may think proper of the net profits from the resources of said company, deducting the necessary current expenses; and they shall make such dividend among the stockholders of said company in proportion to their respective shares.

**Destruction of property.**

Sec. 17. If any person or persons shall wilfully, knowingly and maliciously remove a stake, alter, deface or injure, in any manner, any bench, stake or fixture, set by said company, their agent or other person in the employ of said company, or by any means wilfully injure, impair or destroy any part of the said road constructed by the said company under this act, or any of the necessary works, buildings or machinery of said company, such person or persons so offending, shall each of them, for every such offence, forfeit and pay to the said company a sum not exceeding five times the amount of damages caused by such offence, which may be recovered, in the name of said company, by an action of trespass, in any court having competent jurisdiction in the county wherein the offence shall be committed.

**Transport mail.**

Sec. 18. Said company shall at all times, if required by the post office department, transport the United States mail upon said road, as often as the cars shall pass the same not exceeding twice in each day, for such compensation as shall be agreed upon by said company and the said department, not exceeding the average price paid by said department for the transportation of the mail in post coaches, three times per week a like distance, upon the several post roads in the



state: *Provided*, Nothing herein contained shall be construed to require any of the vehicles of said company to wait at any office for the change of mail.

Sec. 19. The directors of said company shall annually, on or before the twenty-fifth day of January, make a report to the secretary of state, which shall embrace the business of the preceding year to the first day of January, stating the length of their road in operation, cost of construction, and the indebtedness of the company for materials or work in progress of delivery or execution on account of construction, as near as can be conveniently ascertained, and all other indebtedness, if any there be; the amount of capital stock subscribed, and the amount actually paid in; the amount of dividend; receipts from freight, from passengers, and from all other sources on account of operating the road; the number of through and way passengers respectively; the expenditures for the repairs of the road; for repairs of engines and cars, and other expenditures, which three last mentioned items shall include all the expenditures for operating the road, and the expenditures made for construction during the year; the number of engines; of passenger, freight and other cars; the average number of men in employment of the company; the number of miles run by passenger, by freight and other trains; which report shall be verified by the affidavit of at least two of the directors and filed in the office of the secretary of state.

Report to  
sec. of state.

Sec. 20. The said company shall pay to the state an annual tax of one-half of one per cent upon the capital stock paid in, until the first day of February, eighteen hundred and fifty-one, and thereafter an annual tax of three-fourths of one per cent upon its capital stock paid in, and also upon all loans made to said company, for the purpose of constructing said railroad, which tax shall be paid in the last week in January in each year to the state treasurer, and the property and effects of said company, whether real, personal or mixed, shall in consideration thereof, be exempt from all and every other tax, charge and exaction by virtue of any laws of this state now or hereafter to be in force, except penalties by this act imposed.

May charge  
for transpor  
tation.

Sec. 21. The said company shall have full power and authority to ask for, demand and recover and take the tolls or dues to and for their own proper use and benefit on all goods, merchandize and pas-

sengers using or occupying the said railroad, or any other convenience, erection or improvement built, occupied or owned by the said company, to be used therewith, and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same, as well as the manner of collecting all tolls and dues on account of transportation and carriage, and storage, and shall have full power to erect and maintain such toll houses and other buildings for the accomodation and proper transaction of their business as to them may seem necessary.

May cross  
streams of  
water, &c,

Sec. 22. Whenever it shall be necessary for the construction of their Railroad to intersect or cross any stream of water or water course, or road or highway, lying on the route of the said Railroad, it shall or may be lawful for the company to construct their Railroad across or upon the same: *Provided*, That the said company shall restore the stream or water course, road or highway thus intersected or crossed to its former state, or in a sufficient manner not unnecessarily to impair its usefulness.

Lien of state

Sec. 23. The state shall have a lien upon the Railroad of said company, and its appurtenances and stock thereon, for all penalties, taxes and dues which may accrue to the state from said company, which lien of the state shall take precedence of all other debts or demands, judgments or decrees against said company.

Side tracks

Sec. 24. Whenever it shall be necessary for the convenience of the public or persons receiving or sending property by said Railroad, the said company shall permit side tracks to intersect their main road at any depot on or along the line of said road, and that such persons shall be entitled to have any property taken from such side tracks under the directions and regulations of said company without unreasonable delay.

Liability.

Sec. 25. The stockholders of said company shall be personally liable for all debts of the company, to the amount of stock owned by them and paid in, after the property of the company liable to execution has been exhausted.

State may  
purchase  
the road.

Sec. 26. The state may take possession of the said road and the property and effects of the company, after twenty years from the passage of this act, and convert the same into state property, on payment of the cost thereof and ten per cent. in addition thereto.

Sec. 27. The legislature may at any time alter, amend or repeal this act.

Approved May 4, 1846:

No. 105.

AN ACT to amend an act entitled "an act to incorporate the Shelby and Detroit Railroad Company."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That so much of section two of an act entitled "an act to incorporate the Shelby and Detroit Railroad Company," approved March seventh, one thousand eight hundred and thirty-four, as prescribes the amount of capital stock of said company, shall be, and is hereby so amended as to read as follows, to wit: "The capital stock of said Shelby and Detroit Railroad Company shall be one million of dollars, in shares of fifty dollars each." Capital stock increased.

Sec. 2. Section three of said act is hereby so amended, that said Road extended. section shall read as follows, to wit: "Said company shall have power to construct a rail road, with single or double track, from the city of Detroit through the villages of Utica and Romeo, in the county of Macomb, to the village of Port Huron, in the county of St. Clair, with power to transport, take and carry property and persons upon the same, by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them."

Sec. 3. Section four of said act is hereby so amended that said When to be completed. section shall read as follows, to wit: "If said company shall not, before the first day of September, in the year one thousand eight hundred and forty-eight, finish and put in operation said rail road from the city of Detroit to the village of Romeo, in the county of Macomb, and if said company shall not before the first day of January, in the year one thousand eight hundred and fifty-two, construct, finish and put in operation the entire line of said rail road, then the rights, privileges and powers of said company under this act, shall be null and void, as to such parts of said line of road as shall not before such times have been finished and put in operation."

Sec. 4. Amend section twelve of said act, by striking out of the

**Sec. twelve amended.** fourth line of said section the words "or any articles whatever," and add the following sections to the act to which this act is amendatory:

**Individual property liable.** "Sec. 24. The individual property of each stockholder of said company shall be liable to the payment of the debts of said company to the amount of the capital stock subscribed and paid in, or owned by such stockholder: *Provided*, That no execution shall be levied upon the private property of any stockholder until the corporate property of the company liable to execution shall have been first exhausted."

**Tax payable to state.** "Sec. 25. The said company shall pay into the treasury of the state an annual tax of one half of one per cent. on the capital stock paid in for the first five years, and three fourths of one per cent. thereafter on the capital stock paid in, and also on loans made to the company, one half on or before the first day of July, and the other half on or before the first day of January in each and every year."

Sec. 5. The legislature may at any time alter, amend or repeal this act, or the act to which this act is amendatory, by a vote of two-thirds of each branch thereof.

Sec. 6. This act shall take effect and be in force whenever the holders of a majority of the stock of said company shall make and sign an instrument in writing, accepting and assenting to the alterations and modifications of their charter as hereinbefore provided, and file the same in the office of the Secretary of State.

Approved May 4, 1846.

### No. 106.

AN ACT to authorize the Supervisors of Saginaw county to build a free bridge across Cass river at Bridgeport, in said county, and making appropriation therefor.

**Supervisors authorized to build bridge.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the supervisors of Saginaw county be and they are hereby authorized to build a free bridge across Cass river at the place where the United States formerly erected a bridge, it being upon the Detroit and Saginaw turnpike.

**Appropriation.** Sec. 2. That three thousand acres of internal improvement lands, be and the same are hereby appropriated for the purpose of building

said bridge; and the said supervisors may select the land and report it to the commissioner of the state land office, who shall reserve it for the purpose above specified, and shall issue certificates therefor in quantities not less than forty acres, after said bridge shall have been completed: *Provided*, It is finished within two years from the passage of this act: *And provided*, That said certificates shall not be issued until the commissioner of the state land office shall receive satisfactory evidence that said bridge is completed; said certificates to be issued on the order of the board of supervisors to such persons as they may direct; *And provided further*, That the commissioner of the state land office shall not issue certificates for more land than will amount at one dollar and twenty-five cents per acre to the whole cost of said bridge.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved May 7, 1846.

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No. 107.

AN ACT to repeal an act entitled "an act to incorporate the the Stockholders of the Bank of St. Clair," approved March 28, 1836.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act entitled "an act to incorporate the stockholders of the Bank of St. Clair," approved March twenty-eight, eighteen hundred and thirty-six, be, and the same is hereby repealed. Act repeal'd

Sec. 2. The said corporation shall be subject to, and have the benefits of the provisions contained in section seven, chapter three, title ten, part one, of the revised statutes.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved May 7, 1846.

## No. 108.

AN ACT amending an act relative to the registry of certain deeds, approved March ninth, one thousand eight hundred and forty-four.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall not be necessary to acknowledge or prove the execution of any deed of land which may have been or shall be granted by the mayor, recorder, and aldermen of the city of Detroit, under the provisions of an act of Congress, entitled "an act supplementary to an act to provide for the adjustment of titles to land in the town of Detroit, and territory of Michigan, and for other purposes," approved August twenty-ninth, one thousand eight hundred and forty-two, to entitle the same to be recorded; but every such deed which may have been, or shall be executed by said mayor, recorder and aldermen, under their respective hands and seals, shall be entitled to be duly recorded, and every such deed so recorded, or the record or transcript of such deed, duly certified, may be read in evidence in any court within this state, without further proof thereof: *Provided*, That this act shall not be construed so as to affect any proceedings now pending in any court of law or equity in this state, or to affect the rights now vested in any person or persons.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved May 7, 1846.

## No. 109.

AN ACT to authorize James Borroughs to erect a dam across Flat River, in the county of Kent.

To erect  
dam.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That James Borroughs, his heirs and assigns, are hereby authorized to erect and construct a dam across Flat river, in the county of Kent, in the township of Vergennes.

Height of  
dam,

Sec. 2. The said dam shall not exceed six feet in height at low water mark, and shall contain a convenient lock for the passage of all boats, barges, rafts or other water craft that may navigate said

river, and shall be so constructed as to receive such boats and other water craft in slack water of sufficient depth below said dam, and to pass them to slack water of sufficient depth above said dam, for all the purposes of the navigation of said river at all times.

Sec. 3. It shall be the duty of the owners of said dam at all times to keep said lock in repair, and to pass any water craft which can be admitted therein through the same, free of toll and without unnecessary delay; and any person who shall be unnecessarily detained shall be entitled to receive of the said owners double the amount for the damages which he shall prove that he has sustained by such detention, before any court of competent jurisdiction, with costs of suit.

Sec. 4. Any person who shall destroy or in any wise injure said lock or dam shall be deemed to have committed a trespass upon the owners thereof and be liable accordingly; and any person who shall wilfully and maliciously destroy or injure such lock or dam shall be deemed guilty of a misdemeanor, and on conviction, be punishable by fine or imprisonment, in the discretion of the court.

Sec. 5. If at any time hereafter the water shall be required to be drawn from said river for the purposes of internal improvement or navigation, it shall not be lawful for the said James Burroughs, or any other person or persons owning said dam, to claim or recover any damages therefor.

Sec. 6. Nothing in this act shall be so construed as to authorize the person above named, his heirs or assigns, to enter upon or flow the lands of any person or persons.

Sec. 7. The legislature may at any time amend or repeal this act.

Approved May 7, 1846.

### No. 110.

AN ACT to extend the time for the valuation of property for assessment purposes, in the township of Brighton, for the year eighteen hundred and forty-six.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That the time for the valuation of property for assessment purposes, in the township of Brighton, in the county of Livingston, for the year eighteen hundred and forty-six,*

be, and the same is hereby extended to the ninth day of May, in said year; and that the valuation of property for assessment purposes, which has been or may be taken in said township by the assessors thereof, at any time between the second Monday of April last past, and the said ninth day of May, eighteen hundred and forty-six, shall and the same is hereby declared to be as good, valid and effectual in law, for all purposes whatsoever, as if such valuation had been made within the time prescribed by the provisions of existing law.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved May 7, 1846.

#### No. 111.

AN ACT to amend an act entitled "an act to provide for proceedings in Chancery against corporations, and for other purposes," approved June 21, 1837.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That no person shall be deemed a creditor under the fourth section of the act to which this act is amendatory, unless the credits or demands which he may hold shall have been presented for payment to such corporation, and payment thereof been demanded and refused; and no injunction shall be issued under the third and fourth sections of said act, against any incorporation, except for insolvency or refusal to pay its debts, without reasonable notice to be given to the corporation of the application for the same.

Sec. 2. No proceedings shall be instituted by the Attorney General under the act to which this is amendatory, without the assent and permission of the court in which it is to be conducted, or without the assent and direction of the Governor of the state; and no bill or petition shall be filed under said act unless the Attorney General by his name of office, and in his official character, is made a party thereto, either as complainant or defendant.

Sec. 3. When such bill or petition is filed by a creditor or stockholder, the suit shall not be discontinued or stayed without the written assent of the Attorney General; such assent shall not be by him gi-

Suit not to be discontinued



ven, neither shall he discontinue or settle any such suit commenced or carried on by himself without the consent of the Governor ; and in case he shall at any such suit instituted by a creditor or stockholder, be made a party defendant, and the complainant declines or neglects to prosecute the suit, the court in which it is pending shall have power to make the Attorney General complainant in such suit, and may by its order give him the control and direction of the same.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved May 7, 1846.

### No. 112.

AN ACT to amend an act entitled "an act to incorporate the village of Ann Arbor," approved April twenty-third, eighteen hundred and thirty-three.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That so much of that tract of country situated in the township of Ann Arbor, in the county of Washtenaw, known as the south half of section twenty; the south west quarter of section twenty-one; the west half of section twenty-eight and section twenty-nine, lying south of the Railroad, except that part of section twenty-eight belonging to Dwight Kellogg, be, and the same is hereby constituted a town corporate by the name of the "Village of Ann Arbor." Incorporation

Sec. 2. The inhabitants of said village having the qualifications of Meeting electors under the constitution of this state, shall meet at the court house, in said village, on the first Monday of May next, and on the first Monday in May annually thereafter, at such place as shall be provided by the by-laws of said village, and then and there proceed by a plurality of votes, to elect by ballot from amongst the qualified electors residing in said village, one president, one recorder, three trustees, one marshal and one treasurer; the said president, recorder, marshal and treasurer shall hold their offices for one year, and until their successors are elected and qualified: *Provided,* That if an Provide. election of such officers shall not be made on the day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be dissolved; but it shall, and may be lawful to hold

such election at any time thereafter, public notice thereof being given in the manner hereafter described.

**Judges**      **Sec. 3.** At the first election to be holden under this act, there shall be chosen viva voce, by the electors present, two judges and a clerk of said election, who shall each make oath or affirmation faithfully to discharge his duty as judge or clerk of said election. At all subsequent elections the president and trustees, or any two of them shall be judges, and the recorder shall be clerk; at all elections the polls shall be opened between the hours of nine and eleven in the forenoon, and closed at four o'clock in the afternoon. At the close of the polls the votes shall be canvassed and a true statement thereof proclaimed to the electors present, by one of the judges, and the recorder shall make in a book to be kept by him for that purpose, a true record of such statement, signed officially by the officers holding such election. It shall be the duty of the recorder, or in case of his inability from absence or other cause, then of the president, to give at least five days notice of every election, by posting up written or printed notices thereof, in five or more public places in said village; notice of the first election to be holden under this act, shall be given in like manner by the person now acting as recorder of the village of Ann Arbor: *Provided*, That if notice of any annual election be not given as herein is required, it shall be lawful for the electors of said village to meet at the proper time and place and proceed to hold an election: *And provided also*, That in case of the non-attendance of the aforesaid officers, the electors present may choose persons to act in their places.

**Notice.**

**Trustees.**      **Sec. 4.** Immediately after the first election, the three trustees chosen thereat, shall divide themselves by lot into three classes, the term of office of the first class shall terminate at the end of the first year, of the second class at the end of the second year, and of the third class at the end of the third year, so that one-third of the number of trustees shall be elected annually. The trustees first elected shall hold their offices for the periods determined by lot as aforesaid, and until their successors are respectively elected and qualified; the trustees subsequently chosen shall hold their offices for three years, and until others are elected and qualified in their stead.

**Sec. 5.** Every person offering to vote at any election in said village

before he shall be permitted to vote, shall, if required by either of the officers holding such election, or by any elector present, take the following oath or affirmation: "I do solemnly swear (or affirm) that I am a citizen of the United States, (or that I was a resident of the state of Michigan at the time of the signing the constitution thereof,) of the age of twenty-one years, according to the best of my knowledge; that I have been a resident of the state of Michigan for six months last past, am now, and for three months last past have been, a resident of the village of Ann Arbor, and that I have not voted before at this election." Upon taking such oath he shall be forthwith permitted to vote.

Persons required to take oath.

Sec. 6. It shall be the duty of the recorder, within five days after any election, to notify the officers respectively of their election, who shall within ten days after receiving such notice, take an oath or affirmation to support the constitution of this state, and faithfully and impartially to perform the duties of their said offices, a certificate of which, made by the person administering said oath or affirmation, shall be by him filed with the recorder.

To notify officers of their election

Sec. 7. In case of the death, resignation, removal, or neglect to qualify of any officer or officers so elected and notified, the common council shall order an election to fill such vacancy or vacancies, and shall cause notice of the time and place of holding such election to be given as hereinbefore directed; such election shall be held and conducted in the manner hereinbefore provided.

To fill vacancies.

Sec. 8. The president, recorder and trustees of said village shall be a body corporate and politic, with perpetual succession, to be known by the name of "the Common Council of the village of Ann Arbor," by which name they may sue and be sued in all courts, either of record or not of record; they may have a common seal, which they may alter or change at their pleasure; they may purchase and hold such real and personal estate as may be necessary for carrying this act into effect, and may sell the same when not required for such purpose.

Name of corporation

Sec. 9. The president shall preside at all meetings of said common council, and the recorder shall attend all such meetings, and keep a record of their proceedings. Such meetings shall be held at such times and places as the president, or in his absence, the recorder

President to preside at meetings.

may appoint; and at all their meetings for the transaction of business, a majority of the whole shall be necessary to constitute a quorum (though a less number may adjourn from time to time.) In case of the absence from any such meeting, of the president and recorder, the members present may appoint a president or recorder *pro tempore*. The common council shall have power to impose, levy and collect such fines for the non-attendance of the officers or members at any such meeting, as they may deem proper: *Provided*, No such fine shall exceed five dollars for one offence.

Officers to  
give security.

Sec. 10. The treasurer, marshal and collector shall each, before entering upon the duties of his office, give security in such form and to such amount as the common council shall by resolution direct; and the said treasurer, marshal and collector, and their sureties, for any failure or violation of duty of said offices, shall be liable therefor, and may be proceeded against in such manner as the common council shall by by-law provide.

Inhabitants  
subject to  
laws.

Sec. 11. The inhabitants of said village shall be liable to all laws relative to township government, except so far as relates to building and repairing of bridges, the laying out and constructing of streets and highways, and the labor to be performed thereon within the limits of said village; and except so far as relates to the licensing of tavern keepers, inn keepers and common victuallers.

May elect  
attorney &c

Sec. 12. The qualified electors shall elect an attorney, collectors and other officers necessary under the provisions of this act for said village, whose election is not provided for in this act, and to remove the same, and to fill all vacancies that may happen in such offices by death, resignation, removal or other cause. All officers so appointed shall immediately thereafter be notified of their appointment by the recorder.

May make  
by-laws and  
ordinances.

Sec. 13. The common council shall have power to make by-laws and ordinances relative to the duties, powers and compensation of the marshal, treasurer and other officers; relative to the time and manner of working upon the streets, lanes and alleys of said village; for the prevention and abatement of all nuisance, within the limits of said village; for the preservation of the public health therein; to prevent the discharge of any species of guns or fire arms; to construct sewers and reservoirs; to license all show-men; to regulate the sale of spiritous and fermented liquors in less quantities than twenty-

eight gallons; to direct the number of, and license all tavern keepers, inn keepers and common victuallers, and to fix the amount to be paid for such licenses; to suppress all games of chance or hazard, and to prohibit all games or sports which in their opinion may be injurious to the good order of said village; to compel the owners and occupiers of buildings to procure and keep in readiness such number of fire buckets as they may direct, for the protection of the village from fires; to prevent the violation of the Sabbath and the disturbance of religious congregations; to prevent the disturbance of public meetings assembled for any lawful purpose; to prevent the selling or giving of spiritous or fermented liquors to any common drunkard; relative to the calling of meetings of the electors of said village; relative to the keeping and sale of gunpowder in said village; to prevent swine, cattle, horses, dogs and other animals from running at large in said village, and to establish and regulate one or more pounds therein; to prevent and suppress all disorderly houses and all houses of bad fame, and for the collection and disposition of all fines and penalties imposed by the by-laws and ordinances of said common council: *Pro-* By-laws to be publish'd  
*vided*, That no by-laws or ordinances of said corporation shall have any effect until the same shall have been published three weeks successively in a newspaper published in said village, or by written notices, signed by the recorder of said village, and posted up for that Relative to fire, public peace, &c.  
space of time in five of the most public places in said village.

Sec. 14. The common council shall have power to make all such by-laws and ordinances as shall be necessary to secure said village and the inhabitants thereof against injuries by fire; for the preservation of the public peace; the suppression of riots, and for the punishment of the same; to prevent the vending by less quantities than twenty-eight gallons, of spirituous liquors in any place within said village, or by any person therein not duly licensed; for the apprehension and punishment of vagrants, drunkards, idle and disorderly persons found within said village; to provide against or punish immoderate riding or driving in the streets of said village; to prevent the obstruction of the streets, side-walks, alleys, public grounds or squares in said village; and they shall have power to make all by-laws and ordinances, as to them shall seem necessary for the safety and good Fines.  
government of the said village and the inhabitants thereof.

Sec. 15. The common council shall have power to prescribe in

any of the by-laws and ordinances made by them under the authority of this act, such fine for the violation of any such by-laws and ordinances as they shall think proper, provided that such fine shall in no case exceed one hundred dollars for one offence.

How collected.

Sec. 16. All such fines shall be sued for and collected in actions of debt, to be brought by the attorney of said village, in his own name, or in his name of office, before any justice of the peace in the county of Washtenaw, residing in said village. And such actions shall be prosecuted to final judgment and execution in all respects as in actions of assumpsit in civil cases.

Process.

Sec. 17. All process to carry into effect such by-laws and ordinances, issued by such justice of the peace shall be directed to the "marshall of the village of Ann Arbor, or to any constable of the county of Washtenaw," may be executed any where within said county, and shall be served and returned in the same manner similar process issued by justices of the peace is served and returned.

Streets may be laid out.

Sec. 18. The common council shall have power to lay out, open, make and repair streets, lanes and alleys, within said village, and the same to alter or vacate, and to open, alter or vacate those already laid out. Before any such street, lane or alley shall be laid out, altered or vacated, public notice shall be given by the said common council, signed by the recorder, and posted up in five or more public places in said village, stating the time and place, when and where the common council will meet to consider the same, and describing the street, lane or alley to be laid out, altered or vacated, which notice shall be posted up at least ten days before the time of said meeting; at such meeting, all persons interested may appear before the common council, and be heard upon the matter thus brought before them. If the common council shall determine to lay out or

May purchase right of way.

alter any street, lane or alley, they may purchase of any person or persons through whose lands the same may pass, the right of way. If such person or persons refuse to sell the same, or if the sum to be paid therefor cannot be agreed upon by them; it shall be lawful for the president of said village to issue a venire, directed to the marshal of said village, commanding him to summon twelve disinterested freeholders, not residing in said village, to appear before said president at any time in said venire mentioned, not less than five days from the issuing thereof, to enquire into and assess the damages occasioned to

such person or persons by the laying out or altering of such street, lane or alley; which jury being first sworn by the president faithfully and impartially to enquire into and assess the damages in question, and having viewed the premises if desired by them, and heard the testimony of witnesses if any be sworn, and what any person interested may have to say upon the subject, shall enquire into and assess the damages sustained by each person respectively, through whose lands said street, lane or alley may pass, whether as owners or occupants of the same, according to their respective interests in the same. The said assessment shall be signed by said jurors and delivered to said president, who shall cause the same to be filed by the recorder in his office. All sums so assessed together with costs, shall be paid or legally <sup>Damages.</sup> tendered to the person or persons in favor of whom they may be assessed before such street, lane or alley shall be opened or used: *Provided*, that such person or persons may appeal from the assessment so made to the circuit court of the county of Washtenaw, or other court of competent jurisdiction, upon giving a written notice of said appeal to said president, within three days after the making of said assessment. Upon filing a copy of said assessment, with a copy of said notice of appeal in the said court at its next term after such assessment made, the same proceedings shall be had in said court as is usual in cases of appeal: *Provided*, That if the damages awarded upon said appeal shall not be greater than those assessed by the jury, the party appealing shall pay the costs of appeal.

Sec. 19. The common council shall have power to assess and collect from every inhabitant over the age of twenty-one years, except <sup>May assess tax.</sup> paupers, idiots, lunatics and persons of color, in said village, an annual poll tax not exceeding one day's labor upon the highways; also to assess and collect taxes on all real and personal estate in said village, to such an amount as may be necessary to pay the expenses of said corporation: *Provided*, Such tax shall not exceed, in any year, one per cent. upon the valuation of such real and personal estate.

Sec. 20. The common council shall, on or before the first Tuesday of June, annually obtain a true copy of so much of the then last <sup>Township</sup> assessment roll of the township of Ann Arbor, as relates to the assessment of property within said village, and may make such alterations of said roll so copied as they may deem proper, but they shall not increase the aggregate amount of said assessment roll, and shall add thereto a

list of the inhabitants of said village liable to pay a poll tax. Notice shall then be given of the time and place, when and where they will meet, to hear the objections to said assessment roll, valuation and list of taxable inhabitants of any persons interested in the same. Such notice shall be in writing, signed by the recorder, and posted up in five or more public places in said village, five days at least, before the time of said meeting. At such meeting, any person considering himself aggrieved by said assessment, shall be heard upon oath, to be administered by the president; and upon such hearing the said common council may make such reduction in said valuation and such alteration of said assessment roll and list as they may deem just.

To apportion  
tax.

Sec. 21. When the assessment roll shall be completed, the common council shall apportion the tax to be raised upon the property thus assessed, according to said valuation, and shall place the same in a column upon said roll opposite to the valuation respectively of said property, and when the assessment roll and apportionment of taxes shall be thus completed, the said roll shall be filed by the recorder in his office. When this is done, the recorder shall make out and deliver a copy of said roll, signed by him, to the marshal or such other person as may be appointed collector, &c., whose duty it shall be to collect and pay to the treasurer said taxes within such time and in such manner as the common council by their by-laws shall provide.

Lien.

Sec. 22. The taxes so assessed upon real estate in said village shall be and remain a lien upon the property on which it is so assessed, from the time of filing the assessment roll by the recorder in his office, until the same shall be paid.

Sec. 23. The common council shall provide by their by-laws for the sale of any real estate, for the collection of any tax assessed thereon, the notice to be given, the time, place and manner of such sale, and by whom it shall be made; and in case of sale and non-redemption, they shall by such by-laws provide by whom deeds of conveyance for the same shall be made and executed: *Provided*, That no sale of real estate shall be made under the authority of this act, or under the provisions of any such by-laws, unless the person authorized to sell the same shall give written notice of the time and place



of said sale, with a particular description of each lot or parcel of land to be sold, by posting up such notices, signed by himself, in five or more public places in said village for at least thirty days before such sale, and by advertising the same in the manner as nearly as may be, as is or may be by law required in cases of sales of lands delinquent for township, county, and state taxes: *And provided also,* That any real estate so sold, may be redeemed by any person having an interest therein, at any time within two years from the time of such sale, by paying to the treasurer of the village, for the use of the purchaser, the sum for which the same was bid off, with interest thereon at the rate of ten per cent. per annum, from the time of such sale.

Sec. 24. The deeds, which, under the provisions of this act, and the by-laws made pursuant thereto, shall be made and executed to the purchasers of real estate, so sold, shall vest in them, their heirs and assigns respectively, all the right, title and interest of the person or persons assessed as the owners thereof, subject to any claim the state may have thereon; and such deed shall be prima facie evidence of the regularity of such sale, and of all proceedings preliminary thereto. Every such deed executed by the person authorized as aforesaid to make and execute the same, under his hand and seal, and proved or acknowledged as other deeds are directed by law to be, may be recorded in the office of register of deeds, in the county of Washtenaw; and they or the records thereof may be given in evidence as other deeds or the records thereof, may be given in evidence. Deeds.

Sec. 25. The qualified voters shall elect one or more street commissioners or other officers to superintend the making, paving, repairing or opening and altering of all streets, lanes, alleys, sidewalks and bridges within said village, in such manner as they may from time to time be directed by the common council, and they shall cause the expenses incurred in making, paving, opening and altering such streets, lanes, alleys, sidewalks and bridges to be assessed on lots adjoining such improvements, not exceeding ten per cent. of the assessed value of the property, or by general tax or otherwise, as they may deem just and proper. Costs to be elected.

Sec. 26. The common council shall have authority to establish and organize all such fire companies, hook and ladder, hose and bucket companies as they may deem expedient, and to provide them with Fire companies.

such engines and other implements as shall be proper to extinguish fires, and preserve the said village from conflagration; to appoint from the inhabitants of said village such persons willing to accept, as may be deemed proper and necessary, to be employed as firemen: *Provided*, Such number of persons shall not exceed fifty for any one engine, hook and ladder, hose or bucket company; each company shall have power to appoint its own officers, to pass by-laws for its organization and government, subject to the approval of the common council, and may impose and collect such fines for the non-attendance or neglect of duty of its members, as may by its by-laws and regulations be established. Every person belonging to any such company shall obtain from the recorder a certificate to that effect which shall be evidence thereof; and the members of such companies during their membership, shall be exempt from service on juries, from military duty, and from the poll tax hereinbefore mentioned. It shall be the duty of every such company to keep in good and perfect repair, its fire engine, hose, ladders and other implements; and it shall be the duty of each company to assemble once in each month, or as often as may be directed by the common council, for the purpose of examining and working its fire engine or other implements. The common council may by their by-laws regulate and enforce the performance of the aforesaid duties.

Marshals to  
assist fires

Sec. 27. Upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of said fire, and shall under the directions of the chief engineer, aid and assist as well in extinguishing said fire, as in preventing any goods from being stolen, and in protecting, removing and securing the same; and for that purpose he may require the assistance of all bystanders.

Actions  
against cor-  
porations.

Sec. 28. All actions against said corporation shall be commenced by summons, which shall be served upon the recorder at least six days before the return thereof, by giving him a copy of said summons, with the name of the officer serving the same endorsed thereon, or by leaving such copy at the usual place of abode of said recorder, with his wife, servant or some member of his family.

Jurors &c.

Sec. 29. In all suits in which the common council shall be a party, or be interested, and in all actions brought by the attorney, no inhabitant of said village shall be deemed incompetent as a juror or

witness, on account of his interest in the event of such suit or action:  
*Provided*, Such interest such be only as exists in common with the inhabitants of said village.

Sec. 30. The said corporation shall be allowed the use of the common jail of the county of Washtenaw, for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of said corporation; and all persons so committed to said jail shall be under the charge of the sheriff, as in other cases. <sup>May use com'on jail.</sup>

Sec. 31. The justices of the peace and the marshal thereof, shall <sup>Fees.</sup> be allowed, respectively, the same fees and compensation as is by law allowed to justices of the peace and constables, for similar services.

Sec. 32. There shall be an annual meeting of the common council on the second Tuesday of April, at which meeting all accounts, claims and damages against said corporation shall be presented, and be by the common council audited and settled. <sup>Annual meeting.</sup> Within ten days after the close of said meeting the common council shall make out a detailed statement of all the receipts and expenditures of said corporation for the past year; such statement shall show particularly upon what account all moneys were received, whether for fines, and <sup>Statement.</sup> if so, specifying them, or for taxes, and if so stating the amount; said statement shall also specify all appropriations made by said corporation for the past year and the amount of expenditure under each appropriation; said statement shall be signed by the president, and filed by the recorder in his office, and copies thereof shall be by said recorder made and posted up within the aforesaid ten days in five or more public places in said village.

Sec. 33. At every annual election it shall be lawful for the electors of said village to vote for and against granting licenses to sell <sup>Licenses.</sup> within the village spiritous liquors. The ballots given upon this question shall have written or printed upon them the words "license" or "no license." If there shall be a majority of ballots in favor of licensing, then such license may be granted as is hereinbefore provided; if there shall be a majority the other way, then no such license shall be granted.

Sec. 34. This act shall be deemed a public act, and shall be construed favorably in all courts.

**Sec. 35.** All acts and parts of acts heretofore enacted in regard to the village of Ann Arbor, shall be, and the same are hereby repealed; *Provided*, That the repealing of said acts shall not affect any act already done, right acquired under, or proceedings had or commenced by virtue thereof, but the same shall remain as valid to all intents, as if said acts and each of them remained in full force.

**Sec. 36.** The legislature may alter, amend or repeal this charter.

**Sec. 37.** This act shall take effect and be in force from and after its passage.

Approved May 7, 1846.

### No. 113.

**AN ACT** to authorize the sale of the Southern Railroad, and to incorporate the Michigan Southern Railroad Company.

Incorporation.

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That James J. Godfroy, Samuel J. Holley, Harry V. Man, Charles Noble, George W. Strong, Austin E. Wing, Henry Waldron, Stillman Blanchard, Frederick W. Macy, John Burch, Dan B. Miller, Benjamin F. Fifield, William C. Sterling, Wedworth Wadsworth, Edward Bronson, Daniel S. Bacon, Thomas G. Cole, and such other persons as shall associate with them for that purpose, are hereby made and constituted a body corporate and politic, by the name and style of "The Michigan Southern Railroad Company," with perpetual succession, and by that name shall be capable in law of taking, purchasing, holding, leasing, selling and conveying estates and property, whether real, personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned, and no farther; and in their corporate name they may sue and be sued; may have a common seal, which they may alter and renew at pleasure, and may have and exercise all powers, rights, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as the same are hereinafter set forth: *Provided*, That nothing in this act contained shall extend or be construed to authorize the said company to carry on the business of banking, brokerage, or any other business except what properly belongs to a Railroad and Transportation Company, as hereinafter provided.

Banking prohibited.

**Sec. 2.** The said company, within thirty days after the time this

act shall take effect and be in force, shall have the right to contract <sup>May purchase road.</sup> with and purchase from the state, and the state will sell and grant to the said company, all the right, title and interest of the state in and to the Southern Railroad, and all its appurtenances, including the Tecumseh branch, and all rights of way for a rail road between Tecumseh and Manchester, which the state now has, or is entitled to, and all machine shops and other buildings, and stock and materials upon said road, of whatever name or kind, and all lands or rights of way which the state has or may have acquired in connection with said Railroad, for the price or sum of five hundred thousand dollars; of which the sum of ten thousand dollars shall be paid by the said company, at the state treasury, to the state treasurer, within thirty days after the time this act shall take effect and be in force, and the further sum of forty thousand dollars within three months from the time this act shall take effect and be in force, to be paid as hereinafter provided; and at the time of making said payment of forty thousand dollars, the said company shall execute to the state of Michigan, <sup>Bond.</sup> a bond, in the penal sum of one hundred thousand dollars, with sufficient sureties or securities, to be approved by the Auditor General, conditioned for the payment to the state of all damages it may sustain from the said company's neglecting to return to the state the stock, materials and furniture of said road, of whatever name or kind, in as good condition and of equal value, as when the same was received by said company from the state, in case of any forfeiture of said railroad to the state for any of the causes in the next succeeding section specified; and thereupon the said company shall immediately thereafter be put into and be entitled to the possession of <sup>May take possession</sup> said railroad and its appurtenances, including all lands, machine shops and other buildings (saving and except that any person who may own any building upon the land belonging to the state on the line of the Southern Railroad, which land may be transferred to said company under this act, may dispose of or take away such building within three months after such transfer) and their furniture, and all stocks and materials upon said railroad, of whatever name or kind; and said company shall within six months from the time when this <sup>Installments.</sup> act shall take effect and be in force, purchase and place upon the said road additional locomotives and cars of the value of twenty thousand dollars. And if said company shall within nine years from the pay-

ment of said sum of forty thousand dollars, pay to the state the further sum of four hundred and fifty thousand dollars in eighteen equal semi-annual instalments of twenty-five thousand dollars each, together with the interest upon all portions of the purchase money remaining unpaid, at the rate of six per cent per annum, to be paid semi-annually, to be computed from the time when the said sum of forty thousand dollars, shall have been paid by said company to the state, said sum of four hundred and fifty thousand dollars, and interest thereon, to be paid at the state treasury in the manner prescribed for the payment of the aforesaid sum of forty thousand dollars, then and immediately thereafter, all the right, title and interest of the state to the Southern Railroad and all its appurtenances, including all machine shops, depots and other buildings, and stock upon the said road, of whatever name or kind, and all lands and estates, or interest in land, and rights of way which the state has or may have acquired in connection with said railroad, and for the purposes thereof, and which it may lawfully convey (save as aforesaid) shall then and thereafter vest in and become the property of said company; but such interest in lands shall not extend to or include any lands granted to the state by the government of the United States, for the purposes of internal improvement: *Provided*, That nothing in this section contained shall be construed as rendering the state liable by reason of any want of power to convey or for any defect or failure of the title in and to the property granted or any part thereof.

Failing to  
pay, co dis-  
solved,

Sec. 3. In case said company shall not within thirty days after the time this act shall take effect and be in force pay into the state treasury the sum of ten thousand dollars, and within three months from the time this act shall take effect and be in force the further sum of forty thousand dollars in manner provided in the last preceding section, then in such case, said Michigan Southern Railroad Company hereby incorporated, shall immediately be and become dissolved, and shall thenceforward neither have nor exercise any of the rights, privileges or immunities of a body corporate or politic for any purpose whatsoever; and in case the said company shall pay into the state treasury in manner aforesaid, the sum of ten thousand dollars within thirty days after the time this act shall take effect and be in force, and within three months after the time this act shall take effect and be in force, the further sum of forty thousand dollars, but shall fail

to pay into the state treasury in the manner and within the times above specified, after such payment of the said sum of forty thousand dollars, the further sum of four hundred and fifty thousand dollars, with interest on the same semi-annually, at the rate of six per cent per annum, to be computed as aforesaid, or shall fail to pay any part thereof when due and payable, then in such case the said sum of ten thousand dollars, and the said sum of forty thousand dollars and all other sums that may have been paid prior to such default, shall be and become absolutely forfeited to the state; and all property and estate of whatever name or kind, which said company shall be seized or possessed of or entitled to, shall immediately become forfeited to and vest in the state to all intents and purposes; and the state may immediately thereafter take possession of the same, and all corporate franchises hereby granted shall then and thereafter become <sup>May take possession</sup> and be wholly null and revoked; and in case the said sum of four hundred and fifty thousand dollars or any part thereof, and interest to be computed as aforesaid, or any part thereof, shall not be paid as aforesaid when due and payable, then the state treasurer shall certify to the fact of such non-payment, and upon such certificate any justice of the supreme court may make an order that any writ or writs of execution shall issue from the supreme court in which the state <sup>To issue writ.</sup> shall be named as plaintiff, and said Michigan Southern Railroad Company as defendant, and which writ or writs may be directed to any sheriff or sheriffs, coroner or coroners within this state; and the said certificate with said order endorsed being filed in the office of the clerk of the supreme court in any circuit the said order shall have the effect of a judgment of said court, and thereupon one or more writs of habere facias possessionem or other writs of execution may be issued under the direction of the attorney general into any county or counties of this state, and may be made returnable into said court in the discretion of the attorney general either in term time or vacation; and alias and pluries writs may be issued, directed to the sheriff or coroners of the same or different counties from antecedent writ or writs. And it shall be competent for the supreme court or any justice thereof, upon application of the attorney general, to prescribe the forms and contents of any such writ or writs to be issued under this section; and any writ of habere facias possessionem to be issued under this

section may command the sheriff or coroner to whom the same may be directed, that he cause the state to have possession of the Southern Railroad, or any portion thereof, or of any Railroad which may have been constructed or used by said company, or any portion thereof, and of the respective appurtenances thereunto belonging, including all lands, rights of way, tenements, depots, car-houses, machine shops and other structures and edifices connected with said railroad or railroads, or any portion or portions of the same, and all stock of such railroad or railroads, or any portion thereof, including cars, locomotives and tenders, and the furniture of said railroad or railroads, or any portion thereof; and the supreme court, upon application of the state by the attorney general, may make any rule or rules, order or orders, which it may deem expedient the better to carry out and give effect to the intent of this section.

What may  
be rec'd in  
payment.

Sec. 4. In any payment of purchase money to be made to this state by or from said company, the state treasurer is hereby authorized and directed to receive, and the said company may at its option, pay the whole or any portion in lawful money of the United States, or in either of the following class of state indebtedness, to wit:

First: The bonds specified in the first section of an act entitled an act to liquidate the public debt, and to provide for the payment of interest thereon, approved March eighth, eighteen hundred and forty-three, and the interest bonds issued for unpaid interest on said bonds up to July first, eighteen hundred and forty-five, at the sums mentioned in said bonds respectively, with interest due and unpaid thereon at the time of the payment of the same into the treasury;

Second: The three million eight hundred and thirteen thousand dollars of five million loan and other bonds delivered to the United States Bank and Morris Canal and Banking Company, and referred to in the preamble to the sixth section of the above mentioned act, at the rate of four hundred and three dollars and eighty-eight cents and six mills on each one thousand dollars of said bonds for principal and interest due thereon the first day of January, eighteen hundred and forty-six, and adding for subsequent interest at the rate of six per cent. per annum on three hundred and two dollars and seventy-three cents for each thousand dollars of said bonds; *Provided*, The coupons since July, eighteen hundred and forty-one, shall remain attached thereto;



Thirdly: The stock issued in behalf of the Palmyra and Jacksonburg Railroad Company, with the interest due and unpaid thereon;

Fourthly: All warrants or other evidences of state indebtedness due or past due, not comprehended in the previous provisions of this section, except warrants drawn on the commissioner of the state land office, made payable in lands only.

Sec. 5. The said Michigan Southern Railroad Company shall have full power and authority to locate, and from time to time to alter, change <sup>May locate and construct road.</sup> and re-locate, so as not to materially change the route, construct and reconstruct, and fully to finish, perfect and maintain a Railroad, with one or more tracks, from some suitable point at or near the mouth of the ship canal, in the city of Monroe, to pass through the villages or towns of Petersburg, Adrian, Hillsdale and thence to Coldwater, by the way of Jonesville if deemed the most practicable route, and from thence to Lake Michigan, on the line heretofore established as the line of the Southern Railroad by the state, or any where further southward than said line, and also from the junction of the Tecumseh Branch with the said Southern Railroad, to pass through the villages of Tecumseh and Clinton, to the village of Manchester, in the county of Washtenaw, in this state, and to transport take and carry property and persons upon said Railroad or way, by power and force of steam, or of animals, or of any mechanical or other powers or any combination of them which said company may choose to use or apply. And for the purpose of constructing said <sup>Width of road</sup> Railroad or way, said company shall have authority and power to lay out, designate and establish their road in width not exceeding one hundred and fifty feet, through the entire line thereof; and may take, have and appropriate to their use, all such lands so designated for the line or construction of said road, upon first paying or tendering therefor, or depositing with the treasurer of the state, subject to the order <sup>Damages</sup> of the court which may confirm the inquisition of the jury, such amount of damages as shall have been settled by appraisal in the manner hereinafter provided, on all such lands as may be taken westwardly from the village of Hillsdale, or northwardly of Tecumseh, on the Tecumseh branch, or upon any new track that may be located by said company; and for the purpose of cuttings and embankments, and for the obtaining of stone, sand and gravel, may take and appropriate as much more of land as may be necessary for the proper construc-

Other roads  
not to be  
constructed  
within five  
miles.

tion and security of said road, and for constructing shops, depots and other proper, suitable and convenient fixtures in connection with, and as appurtenances to said Railroad, may take, have, use and occupy any lands on either side of said Railroad, not exceeding two hundred feet in depth from said Railroad, the said company taking all such lands as gifts, or purchasing or making satisfaction for the same in manner hereinafter provided. And no Railroad or Railroads, from the eastern or southern boundary of the state shall hereafter be authorized to be built or constructed by or under any law of this state, any portion of which shall approach westwardly of the township of Monroe, in the county of Monroe, within five miles of the line of said Railroad, as designated in this act; nor shall any Railroad or Railroads be so authorized to be built or constructed, which shall commence within twenty miles of the city of Monroe, and extend to Lake Michigan, or the southern boundary line of the state, and the line of which shall, on an average, run within twenty miles of the main line of the said Michigan Southern Railroad: *Provided*, That this section shall not be construed to restrict or prevent the construction of public roads, or canals, or private ways, under, above or across the road of said company, when deemed expedient, but so as not unnecessarily to obstruct the same.

To be fin-  
ished to  
Coldwater

Sec. 6. The said Michigan Southern Railroad Company are hereby required to construct, finish and put in operation the said Railroad from Hillsdale, in the county of Hillsdale, to Coldwater, in the county of Branch, within four years from and after the passage of this act; also to construct and put in operation the said Railroad from Coldwater aforesaid, to some eligible point on the St. Joseph River, in the county of St. Joseph, in this state, within four years thereafter; and also construct, finish and put in operation, the said Southern Railroad from the St. Joseph River, in the county of St. Joseph, to the village of Niles, on the St. Joseph river, in the county of Berrien, within twelve years from the passage of this act; and said Southern Railroad Company shall also within three years after the passage of this act, extend, construct and complete the Tecumseh branch, from the village of Tecumseh, by way of Clinton to the village of Jackson, by way of Manchester, and along the line of the Railroads formerly authorized to be constructed by the Jacksonburg and Palmyra Railroad Company, or so far along the same as may not conflict with the provisions of an act

entitled "an act to authorize the sale of the Central Railroad and to incorporate the Michigan Central Railroad Company," approved March twenty-eight, eighteen hundred and forty-six, and put the same in operation with sufficient motive power to do the business of the country depending on said branch; and in case the said company do not construct, finish and put in operation that portion of the Southern Railroad west of Hillsdale, to the points above specified within the times above specified, or that portion of the Tecumseh branch road to the village of Manchester, as above provided, then the charter to such portion of either of said roads as shall not have been so constructed shall become forfeited; and if said company shall not extend said Southern Railroad west from Hillsdale, as above provided, or said Tecumseh branch north from Tecumseh, as above provided, then any person or persons may subscribe stock for the extension of either of said roads to any of the points above named; and when a sufficient amount of stock shall be so subscribed and paid in for such extension, then the directors of said company shall cause the road to be constructed without unnecessary delay to such point; and when said extension shall be completed, the shares on the road so extended shall be entitled to a dividend of the net profits of said road in proportion to the amount of instalments paid in on the respective shares of said company; and if said company shall not extend said Southern Railroad west from Hillsdale within the time as above provided or said Tecumseh branch, north from Tecumseh, within the time as above provided, then the incorporators shall within one year thereafter, cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company for the purpose of extending said roads, or either of them to any of the points above named, and then any person or persons may subscribe stock for the extension of either of said roads to any of the points above named; and when a sufficient amount of stock shall be so subscribed and paid in for such extension, then the directors of said company shall cause the road to be constructed without unnecessary delay to such point; and when said extension shall be completed, the shares on the road so extended shall be entitled to a dividend of the net profits of said road in proportion to the amount of instalments paid in on the respective shares of said com-

Tecumseh  
branch to be  
constructed.

When other  
stock may  
be subscrib-  
ed.

pany; and said shares thus subscribed and paid in shall be capital stock of said company, and the persons so subscribing and paying shall be stockholders in said company, and entitled to all rights and privileges of the original stockholders of said company.

May enter  
upon lands.

Sec. 7. The said company, and under their direction, their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of, or belonging to the state, or to any person or persons, bodies politic or corporate, and to survey and take levels of the same, or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for making said railroad, with one or more sets of tracks or rails, and for all the purposes connected with said railroad, for which the said company, by the last preceding section, is authorized to take, have or appropriate any lands, and to fell and cut down all timber and other trees, standing or being within one hundred feet on each side of said line of railroad, the damages occasioned by the felling of such trees unless otherwise settled, to be assessed and paid in the manner hereinafter provided for assessing and paying damages for land taken for the use of said company; and also, to make, build, erect and set up in and upon the route of said railroad, or upon the land adjoining or near the same, all such works, ways, roads and conveniences as may be requisite and convenient for the purposes of said railroad; and also, from time to time, to alter, repair, amend, widen or enlarge the same, or any of the conveniences above mentioned, as well for the

May alter  
road.

carrying or conveying goods, commodities, timber or other things to, and upon the said railroad, as for carrying or conveying all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening or enlarging the works of or connected with said railroad, and to contract or agree with the owner or owners thereof, for earth, timber, gravel, stone or other materials, or any articles, whatsoever, which may be wanted in the construction or repair of said road, or any of its works and appurtenances; and also, to make, repair, maintain and alter any fences or passages under or through the said railroad, or which shall communicate therewith, and to construct, erect, and keep in repair any piers, arches or other works in and upon and across any rivers or brooks, for making, using or maintaining the said railroad and side paths, and also to construct,

make and do all other matters and things, which may be necessary and convenient for making, effecting and preserving, improving, completing and using the said railroad, in pursuance of, and within the true intent and meaning of this act; they, the said company, doing as little damage as possible in the execution of the several powers to them hereby granted, and making satisfaction in manner hereinafter mentioned, for all damages to be sustained by the owners or occupiers of said lands, tenements and hereditaments.

Sec. 8. The said company shall have power and authority to receive, take and hold all such voluntary grants and donations of land and real estate for the purpose of said railroad, as may or shall be made to said company, to aid in the construction, maintenance and accommodation of said rail road, and said company may contract and agree with the owners or occupiers of any lands upon which said company may wish to construct the said railroad or way, or which said company may wish to use or occupy for the purpose of excavation, or of procuring stone, sand, gravel, earth or other materials to be used in embankments, or otherwise in or about the construction, repair or enjoyment of said railroad, or which said company may wish to occupy in any manner, or for any purpose or purposes connected with said railroad, for the use of which said company is authorized or empowered by this act to take, have or appropriate any lands, and to receive and take grants and conveyances of any or all such lands, and of any or all interests or estate, therein to them and their successors or assigns in fee or otherwise; and in case said company cannot agree with the owners or occupiers of such lands as aforesaid, so as to procure the same by the voluntary deed or act of such owners or occupiers thereof, or if the owners or occupiers, or either or any of them be a feme covert, under age, non compos mentis, unknown or out of the county in which the land or property wanted, may lie or be situate, application may be made to the circuit court commissioner, or either of the associate judges, of such county in which the lands are situate, or a judge of the supreme court, previous notice of such application having been given to the owner or occupier of the land to be taken, either by personal service of such notice, ten days before making such application, or by public advertisement for three weeks previous to such application, in

May hold  
real estate.

When damages to be assessed by jury.

some newspaper printed in the same county if there be one, and if there be none so printed in the same county, then such notice to be published in a newspaper printed in an adjoining county, if there be any newspaper printed in an adjoining county, and if there be no paper so printed in an adjoining county, such notice to be published in the state paper, if there be one, and if there be none, then in some newspaper printed in the city of Monroe; such notice to describe the lands proposed to be taken by the company, or touching which damages are to be assessed by the section and quarter section, or any other legal subdivision, or if in a city or village, by the section, block and number of the lot, or by some other suitable and proper description; and evidence of the publication of such notice may be perpetuated by an affidavit duly made by the printer or publisher of the newspaper in which such notice was published, such affidavit to be made within three months after the last publication of such notice, shall be prima facie evidence of the facts therein set forth; and the commissioner or judge to whom such application shall be made, shall thereupon proceed to the office of the clerk of said county, and direct him to draw twelve names from the petit jury box of the county, and the clerk shall thereupon draw twelve names from such box accordingly, and the said judge or circuit court commissioner, to whom such application was made, shall thereupon issue his warrant under his hand and seal, inserting therein the twelve names so drawn by the clerk, and the twelve names so drawn from the petit jury box, shall be thereupon deposited again by the clerk in said box, and the warrant so issued as aforesaid shall be directed to the sheriff of said county, or if the sheriff be interested then to one of the coroners of said county, requiring him to summon the twelve persons whose names are inserted in such warrant, as jurors, to meet on or near the land or property, or materials to be valued, or touching which damages are to be assessed, on a day named in said warrant, not less than five nor more than ten days after the issuing of the same, and if at the said time and place any of the persons summoned do not attend, the said sheriff or coroner shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of twelve jurors, and from whom each party, or his, her or their agent or attorney, or if either be not present in person or by agent,

the sheriff or coroner for him, her or them, may strike off three jurors and the remaining six, shall sit as a jury of inquest of damages, and before they act as such the sheriff or coroner shall administer to each of them an oath or affirmation that they will justly and impartially value the damages which the owners or occupiers have sustained or will sustain by the use or occupation of the land, or taking of the materials or property required by said company, and the jury shall reduce their inquisition to writing, and shall sign and seal the same, and two originals of such inquisition shall be made and executed on the same day, one of which shall be delivered to the said company, and the other to the party claiming compensation; and the property taken, and the boundaries of the land to be taken or occupied by the said company, touching which the inquisition is made, and a map thereof shall be set forth in such inquisition; and such inquisition shall be filed in, and shall also be confirmed by the circuit court of said county, at its next session, upon motion for that purpose made, if no sufficient cause to the contrary be shown, and when confirmed, the same shall be recorded by the clerk of such court at the expense of said company, but if not confirmed, another inquisition may be taken, in the manner above specified, and costs on such second inquisition shall be awarded by the court in their discretion to be paid by either party: *Provided*, That in the taking of any inquisition authorized by this section, it shall be competent for said company and said owner or occupier, or either of them to appear before said jury and introduce evidence under the ordinary rules of law, the foreman of the jury being hereby authorized to administer the proper oath therefor. And the money assessed as the valuation in any such inquisition, by the jury aforesaid, being paid or legally tendered to the party entitled to the same, or deposited with the state treasurer, subject to the order of the court confirming the inquisition as aforesaid; the property so taken and valued shall immediately thereupon vest in said company as fully as if the same had been transferred by lawful deed, by the owner or occupier thereof, for such term of time as the same may be required for the purposes authorized by this act; and in case the party entitled to receive such money shall not appear before the jury which makes the inquisition, and make claim to such lands, or shall not appear to demand or accept the money assessed as the

Inquisition to be in writing and sealed.

Property to vest in co.

Effect of in-  
quisition.

valuation in any such inquisition, then a deposite with the treasurer of the state of the amount of money assessed as the valuation or damages by any such inquisition, together with a certified copy of the inquisition, shall be considered equivalent to payment or a tender thereof to the person entitled to the same, and the state treasurer shall receive and keep account of all moneys so received into the state treasury, and shall pay them to the parties entitled thereto, on the order of the chancellor; and such inquisition when confirmed shall have the effect of a judgment, and execution may be ordered to issue thereon against said company, in favor of the person to whom damages were awarded by such inquisition and confirmation thereof, at the expiration of sixty days from the time of such confirmation, unless prior thereto said company shall have satisfied the damages found or assessed by such inquisition in manner aforesaid; and if at any time it shall by any means happen that said company shall be in possession or occupancy of any land, the title to which or the full right of use and occupancy whereof, for the purposes of said company, in manner aforesaid, shall not have been duly relinquished to, or vested in said company, then in any and all such cases said company may acquire such title or rights of use and occupation by voluntary grant thereof, or by inquisition thereupon and therefor, to be made and found, and the payment of the value or damages found or assessed in manner and form above prescribed; and the commissioner or judge issuing the warrant, and the sheriff or coroner and jurors to be summoned under this act shall be entitled, for the services rendered by them, to such compensation as may be fixed therefor by the chancellor, by an order for that purpose to be made by him, and which costs shall be paid by said company.

May cross  
roads.

Sec. 9. Whenever in the construction of said rail road it shall be necessary to cross or intersect any established road, it shall be the duty of said company so to construct the said rail road across such established road as not unnecessarily to impede the passage of persons or property along the same; and when it shall be necessary to construct it through the lands of any individual, it shall be their duty to provide for such individual, proper wagon ways, and keep the same in repair, across said rail road from one part of his land to another.

Sec. 10. If said company shall neglect to provide proper wagon



ways across said rail road, and keep the same in repair, as required by the preceding section of this act, it shall be lawful for any individual to sue such company, and to recover damages for such neglect or refusal on the part of said company.

May charge  
for transpor-  
tation.

Sec. 11. The said company shall have power to purchase with the funds of the company, or contract for and place on any rail road constructed by them under this act, all machines, wagons, carriages, or vehicles of any description which they may deem necessary and proper for the purposes of transportation on said rail road, and they shall have power to charge for tolls and transportation such sums as shall be lawfully established by the by-laws of said company, not exceeding the rates charged upon said Southern rail road on the first day of January last; and it shall not be lawful for any other company, or any other person or persons to transport any passengers or merchandize, or property of any description whatever, upon said rail road or any part of it, without the license or permission of said company, and the said rail road with all its improvements, works and profits, and all machinery used on said rail road, for transportation, and all the machine shops, depots, buildings and edifices connected with said rail road shall be vested in the said company forever; and the shares of the capital stock of said company shall be considered personal property, and shall be transferable on the books of said company, agreeably to the by-laws of said company, and subject to be taken in execution agreeably to such laws as are or may hereafter be in force.

Shares con-  
sidered per-  
sonal prop-  
erty.

Sec. 12. The said company shall have full power and authority to demand and recover and take the tolls or dues to and for their own proper use and benefit on all goods, merchandize and passengers using or occupying the said rail road, or any other convenience, erection or improvement built, occupied or owned by the said company, to be used therewith, and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same, as well as the manner of collecting all tolls and dues on account of transportation and carriage, and storage, and shall have full power to erect and maintain such toll houses and other buildings for the accommodation and proper transaction of their business as to them may seem necessary: *Provided*, That at the eastern termination of said rail road no greater or higher charges shall be al-

May demand  
tolls and  
dues.

lowed or charged for the storage or shipment of property than shall be charged or allowed for like service by the Michigan Central Railroad Company at the eastern termination of the Michigan Central Railroad.

May cross  
streams of  
water.

Sec. 13. Whenever it shall be necessary for the construction of their Railroad to intersect or cross any stream of water, or water course, or road or highway lying on the route of the said Railroad, it shall or may be lawful for the company to construct their Railroad across or upon the same: *Provided*, That the said company shall restore the stream or water course, road or highway thus intersected or crossed to its former state, or in a sufficient manner not unnecessarily to impair its usefulness.

Dividends.

Sec. 14. The said company may annually or semi-annually make such dividend as they may deem proper, of the net profits, receipts or income of the said company, deducting the necessary expenses; and they shall make the dividend among the stockholders of the said company in proper proportions to their respective shares: *Provided*, That no such dividend shall exceed six per cent. per annum until after the whole amount of the purchase money and interest thereon shall have been paid to the state.

May regulate  
tolls.

Sec. 15. It shall and may be lawful for the said company from time to time to fix, regulate and receive the tolls and charges taken for the transportation of property and persons on said Railroad, as aforesaid, hereby authorized to be constructed, erected, built, made and used, and for storage of property remaining in the depot of said company, if not taken away as hereinafter provided: *Provided*, Said company shall charge no greater sum or tolls for the transportation of persons or property than were charged or authorized by the state of Michigan to be taken on the Southern Railroad, on the first day of January last; and said company shall transport merchandize and property on the said road without showing partiality or favor, and with all practicable dispatch, under a penalty for each violation hereof of one hundred dollars, to be recovered by the party aggrieved in an action of debt: *Provided, nevertheless*, That soldiers, sailors and marines, and their officers, in the service of this state or of the United States, and officers of the army and navy of the United States, and arms, ordnance, military stores and munitions of war, shall, upon re-

quest made by the proper authority, take priority and precedence, first in favor of this state, and secondly in favor of the United States, and shall be transported upon said Railroad before and in exclusion of all other persons and property.

Sec. 16. The said company may charge and collect a reasonable May charge for storage. sum for storage upon all property which shall have been transported by them, upon delivery thereof at any of their depots, and which shall have remained in any of their depots more than four days: *Provided*, That elsewhere than at their Monroe depot the consignee shall have been notified, if known, either personally, or by notice left at his place of business or residence, or by notice sent by mail, of the receipt of such property, at least four days before any storage shall be charged; and at the Monroe depot, such notice shall be given twenty-four hours (Sundays excepted) before any storage shall be charged; but such storage may be charged after the expiration of said twenty-four hours, upon goods not taken away: *Provided*, That in all cases the said company shall be responsible for goods in deposit in any of their depots, awaiting delivery, as ware-housemen, and not as common carriers. And if said company shall charge or take any remuneration for storage of goods otherwise than as aforesaid, it shall forfeit and pay to the state of Michigan in each case for so doing, the sum of fifty dollars.

Sec. 17. The said company shall have power and authority to May own boats or vessels. own, charter or hire, and to employ and use, in the navigation of the lakes and rivers and waters connecting the same, and the parts thereof, boats or vessels, propelled by steam or other power, not to exceed six in number, for the purpose of the transportation and carriage of persons and property to and from the ports upon the said waters. And said company may demand and receive such rates, price and remuneration for the transportation of persons and property, on such boats or vessels, as to it shall seem meet and proper. And said company shall have full authority to purchase, contract for, construct, repair, manage, control, sell and dispose of any and all such boats and vessels as are contemplated in this section, and to exercise any and every such power in relation to any and all such boats or vessels, as an individual person might or could lawfully exercise in regard thereto.

Side track  
may be con-  
structed.

Sec. 18. Whenever it shall be necessary for the convenience of the public or persons receiving or sending property by said Railroad, the said company shall permit side tracks to intersect their main road at any depot on or along the line of said road, and that such persons shall be entitled to have any property taken from such side tracks, under the directions and regulations of said company without unreasonable delay; and for the non-performance by said company of any act by this section required to be done, said company shall forfeit and pay to the party aggrieved the sum of fifty dollars in such case, to be recovered in an action of debt.

Franchise,

Sec. 19. From the time when the franchises granted by this act shall vest in said Michigan Southern Railroad Company, said company thenceforward and ever afterward, (save on the first day of the week, or in case of accident, which shall prevent,) shall keep open for public use, and in good repair, and with sufficient motive power and cars for the transportation of persons and property, under such by-laws as said company may lawfully make, so much of their Railroad in this act mentioned and described, as shall extend from the city of Monroe to the village of Hillsdale; and the said Railroad between the city of Monroe and Adrian shall at all times be kept in all respects in as good condition and repair as the road between Adrian and Hillsdale; and the motive power and cars of all descriptions shall at all times, on that portion of the road between Monroe and Adrian, be in no respect inferior either in quality or quantity to those on that

Trail:

part of the road west of Adrian; and whenever the said company shall put a T rail or other heavier iron rail than is now laid on said road, on any portion of the line of said road, the said company shall first relay the track between Monroe and Adrian, and place such heavier iron on said track between Monroe and Adrian before such heavier iron shall be placed on the road between Adrian and Hillsdale; and so soon as said company shall have constructed and completed and opened for the transportation of persons and property, that portion of said Railroad which shall extend from Hillsdale aforesaid, to Lake Michigan aforesaid, and every portion thereof, which shall, from time to time be constructed and completed between said village of Hillsdale and Lake Michigan, thence and ever thereafter, (save on the first day of the week, or in case of accident, which shall prevent),

said company shall keep in repair and open for public use, for transportation thereon of persons and property, under such by-laws and regulations as said company may lawfully make, an entire line of Railroad, from the navigable waters of Lake Erie, in the city of Monroe; to Lake Michigan. The said company shall not engage in the business of purchasing for sale, produce or any other merchandize or commodity, nor be directly or indirectly interested in the profits or loss of any such business; and after the completion and opening of said road to Lake Michigan, the said company shall always keep and have upon the said road, a supply of motive power and cars, both for persons and property, sufficient for the expeditious and convenient transaction of all business, and transportation of all persons and property offering for transportation thereon, according to the usual course of business upon the line and route of said road; and said company shall at all times receive and discharge persons and property at such ware-houses and places along the line of said Railroad as such persons or the consignors or owners of such property may direct or require; and this, under a penalty to the state of Michigan of five thousand dollars in each case, for neglecting for the space of thirty days to comply with the provisions of this clause.

Sec. 20. The corporate stock of said company shall be two millions of dollars, with the privilege of increasing the same to three millions of dollars, and to be divided into shares of one hundred dollars each, which shares shall be transferrable on the books of said company in such manner as the by-laws of said company shall direct: *Capital stock*  
*Provided*, That the said company may commence business whenever five hundred thousand dollars of said stock shall have been subscribed.

Sec. 21. The nine persons first named in the first section of this act shall be the first directors of said Michigan Southern Railroad Company, and at their first meeting they shall elect by ballot one of their number to be president, a majority of whom shall be competent to manage the affairs of said company; such first meeting of the directors shall be held at a time and place to be fixed by a written agreement signed by all of said directors, or at a time and place designated by a notice, to be signed by a majority of said directors, and published in any newspaper printed in Monroe, Hillsdale or Detroit, one week next preceding the time for such meeting. *To elect president*

May open  
books

Sec. 22. Said directors, or a majority of them, may open books to receive subscriptions to the capital stock of said company, at such times and places as they or a majority of them may appoint, and shall give such notice of the times and places of opening said books as they may deem reasonable, and shall receive such subscriptions under such regulations as they may adopt for the purpose; and if more than twenty thousand shares of the stock shall be subscribed, the directors shall have power to make the shares so subscribed the capital stock of said company: *Provided*, They shall not exceed thirty thousand shares; and in case the subscriptions exceed thirty thousand shares, the same shall be reduced and apportioned in such manner as may be deemed most beneficial to the company.

Directors  
chosen an-  
nually

Sec. 23. To continue the succession of president and directors, nine directors shall be chosen annually, on the second Monday in June, at such place in this state as may be appointed by the directors; and no person shall be competent to act as a director who is not a stockholder and a citizen of the United States; and if any vacancy shall occur by death, resignation or otherwise, of any president or director, before the year for which he was elected shall have expired, such vacancy for the remainder of the year may be filled by the directors of said company, or a majority of them. The directors of said company shall hold their offices until a new election of directors. All elections, which are by this act, or by the by-laws of the company, to be made on any particular day, if not made on such day, may be made at any time within six months thereafter, notice of such meeting being given in the manner hereafter prescribed in section twenty-five of this act, and on all occasions when a vote of the stockholders is to be taken, each and every share shall entitle the holder thereof to one vote, either by himself in person, or by proxy.

Election

Sec. 24. In case it shall at any time happen that an election of directors shall not be made on any day, when, pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but such election may be subsequently made, and the directors chosen for the year preceding shall hold their offices until such election shall be made.

General  
meeting.

Sec. 25. A general meeting of the stockholders of said company shall be holden annually, at the time and place appointed for the

election of directors; and a meeting may be called at any time during the interval between such annual meetings by the directors, or by the stockholders owning not less than one-fourth of the stock, by giving thirty days public notice of the time and place of meeting, in the state paper, if there be one, and if there be no state paper, then such notice shall be published in one newspaper printed in Detroit, and one printed in the city of Monroe; and when any such meeting is called by the stockholders, the particular object of such call shall be stated; and if, at any meeting thus called, the stockholders holding a majority of the stock are not present in person or by proxy, such meeting shall be adjourned from to day, not exceeding three days without transacting any business, and if within said three days, stockholders having a majority of the stock do not attend such meeting, then the said meeting shall be dissolved.

Sec. 26. At the regular annual meeting of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the said company; and at any meeting of the stockholders, a majority of those present in person or by proxy, may require similar statements from the directors, whose duty it shall be to furnish them when thus required; and at all general meetings of the stockholders, the stockholders holding a majority of the stock in said company, may remove any president or any of the directors of said company, and elect other directors in their stead: *Provided*, notice of such intended removal has been given as required in the last preceding section.

Sec. 27. It shall be lawful for the directors to require payment of the sum subscribed to the capital stock of said company, at such times and in such proportions, and on such conditions as they shall deem proper and necessary, in the execution and progress of the work, and direct the same to be paid to the treasurer of the corporation. And the treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares for the space of thirty days after such notice is given, as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the

Presid't and  
directors to  
exhibit state  
ment.

To pay  
sums due on  
shares, &c

purchaser on the books of the company, by the president thereof, and such delinquent subscriber or stockholder shall be held accountable to the company for the residue of the assessments, not satisfied by the proceeds of such sale of his share or shares, if sold for less than the assessments due thereon with the interest and costs of sale, and such costs and interests to be first paid from the proceeds of such sale, and shall be entitled to the surplus, if his share or shares shall sell for more than the assessments due, with interest and cost of sale: *Provided, however,* That no assessment shall be laid upon any shares in said corporation for a greater amount in the whole than one hundred dollars upon each share.

Compensation of officers.

Sec. 28. The said directors or a majority of them, shall have power to appoint, contract with and determine the compensation of all such officers, engineers, agents and servants, whomsoever as they may deem necessary for the transaction of the business of the company, and remove them at pleasure, and the said directors or a majority of them, shall have power to determine the manner and evidence of the transfers of the stock in said company, and they shall have power to pass all by-laws which may be necessary for the carrying into execution all the powers vested in the company hereby incorporated: *Provided,* Such by-laws shall not be contrary to the constitution or laws of the United States, or of this state.

Power of directors

Sec. 29. The directors shall have full power to conduct the affairs of said company, and to exercise any powers which said company might exercise except where provision is made by this act for the exercise of such powers by the stockholders at their annual or special meetings, or where the powers of the directors may be restrained by the by-laws of said company.

Report to sec. of state.

Sec. 30. The directors of said company shall annually, on or before the twenty-fifth day of January, make a report to the secretary of state, which shall embrace the business of the preceding year to the first day of January, stating the length of their road in operation, cost of construction, and the indebtedness of the company for materials or work in progress of delivery or execution on account of construction, as near as can be conveniently ascertained, and all other indebtedness, if any there be; the amount of capital stock subscribed, and the amount actually paid in, and all loans made for



the purposes mentioned in the next preceding section; the amount of dividends, receipts from freight, from passengers, and from all other sources on account of operating the road; the number of through and way passengers respectively; the expenditures for the repairs of the road, for repairs of engines and cars, and other expenditures, which three last mentioned items shall include all the expenditures for operating the road, and the expenditures made for construction during the year; the number of engines, of passenger, freight and other cars; the average number of men in employment of the company; the number of miles run by passenger, by freight and other trains; which report shall be verified by the affidavit of at least two of the directors and filed in the office of the secretary of state.

Sec. 31. The said company shall pay to the state an annual tax of one-half of one per cent upon the capital stock paid in, including the five hundred thousand dollars of purchase money paid, or to be paid to the state, until the first day of February, eighteen hundred and fifty-one, and thereafter an annual tax of three fourths of one per cent upon its capital stock paid in, including the five hundred thousand dollars of purchase money aforesaid, and also upon all loans made to said company, for the purpose of constructing said railroad, or purchasing, constructing, chartering or hiring of steamboats authorized by this act to be held by said company, which tax shall be paid in the last week in January in each year to the state treasurer and the property and effects of said company, whether real, personal or mixed, shall, in consideration thereof, be exempt from all and every other tax, charge and exaction by virtue of any laws of this state now or hereafter to be in force, except penalties by this act imposed. Annual tax.

Sec. 32. The state shall have a lien upon the railroad of said company and its appurtenances and stock therein, for all penalties, taxes and dues which may accrue to the state from said company, which lien of the state shall take precedence of all other debts or demands, judgments or decrees against said company. And every citizen of this state shall have a lien upon the personal property of said company, for any dues or demands against said company to an amount not exceeding in any one case the sum of one hundred dollars, originally contracted within this state, which, after said lien of Lien on road

the state shall take precedence of all other debts or demands, judgments or decrees, liens or mortgages against said company.

**Penalty for  
injuring road** Sec. 33. If any person shall intentionally do or cause to be done, or aid in doing or causing to be done, any act or acts whatever, whereby any building, construction or work of said company, or any engine, machine or structure, or any matter or thing appertaining to the same shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending, shall be guilty of a misdemeanor, and may be punished upon conviction, by fine or by imprisonment not exceeding five years, or both, at the discretion of the court; and shall forfeit and pay to said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of said company, with costs of suit, by action of trespass.

**State may  
purchase  
road.** Sec. 34. The state may, at any time after the first day of January, eighteen hundred and sixty-seven, purchase and take from said company, said Railroad, and all the property, effects and assets of said company, and said Railroad and appurtenances thereof; and all the estate, property, effects and assets of said company, (subject to all existing mortgages and other liens thereon, on account of loans, the proceeds of which shall have been invested in the said road or other works of said company,) shall fully and forever vest in and become the estate, property and effects of the state, to all intents and purposes, so soon, and whenever after the day aforesaid, the state shall pay or cause to be paid to said company, the value of the entire stock of, and shares in said company, at the market value of such stock, or shares and ten per cent. in addition to such market value of said stock or shares: such market value to be ascertained by taking the average of the public sale prices of said stock or shares, as made in the city of Boston, in Massachusetts, and in the city of New York, in the state of New York, during the twelve months next preceding the first day of January, in the year in which the state shall so purchase, but in no case shall the amount to be paid be less than the amount of capital actually paid in by the stockholders of said company, and in case the state and said company cannot agree upon the said market value of said stock or shares, the supreme court of this state shall be competent to determine the same, upon application therefor, to be

made to said court within six months after the state shall elect to purchase; and the moneys so to be paid to said company shall be payable at the state treasury of the state of Michigan, in lawful current money of the United States, within two years after the time when the state shall elect to purchase, and the amount to be paid shall have been determined, as herein provided, upon three months previous notice of the time of such payment, to be published weekly in one or more newspapers published in the city of Detroit, or at the capital of the state of Michigan, and thereupon the corporate powers and franchises of said company shall wholly cease, and the rights and franchises vested, or which may vest in said company under or by virtue of this act, shall not in any manner be prejudiced or affected, save as herein provided, or by judicial proceedings, or by a re-purchase of said Railroad, to be made by the state in manner aforesaid: *Provided*, That whenever in this act provision is made for a penalty to accrue, for the doing or not doing any act, said company shall in no wise be prejudiced by the doing or not doing of such act, except by the enforcement of such penalty.

Sec. 35. All lands and property, and rights and interest therein, acquired by said company, by purchase or otherwise, in case of the re-purchase of the Railroad of said company by the state, shall become vested in the state in as full and ample a manner as the same were vested in, or exercised, or enjoyed by the said company; and all deeds and conveyances, gifts and grants of real and personal property, to said company, and all inquisitions taken or had under this act, to which said company shall be a party, shall, in case of re-purchase, accrue to the state in the same and as full and ample a manner, as if the state had been the party to such deeds, conveyances, gifts, grants and inquisitions, instead of said company; and the state shall have full right and authority to have and use the same, and sell, assign and transfer the same to any person or persons whatever.

Property &c  
to be vested  
in state.

Sec. 36. Said company shall, at all times, if required by the Post Office Department, transport the United States Mail upon said road, as often as their cars shall pass thereon, not exceeding twice in each day, for such compensation as shall be agreed upon by said company and the said department; and in case no such agreement can be made, it shall be lawful for the Governor of this state to appoint one

Transport  
mail.

commissioner and said company one, who, in case they cannot agree shall appoint a third commissioner, which said commissioners, or a majority of them, shall agree upon and fix the prices, terms and conditions of transporting such mail, after fifteen days notice to said company: *Provided*, That nothing herein contained shall be construed to require any of the vehicles of said company to wait at any office for the change of mail.

Repealing  
clause.

Sec. 37. The state reserves the right at any time after thirty years from the passage of this act, by a vote of two-thirds of each branch, of the legislature, to alter, amend or repeal the same: *Provided*, The said company shall be compensated by the state for all damages sustained by reason of such alteration, amendment or repeal.

Sec. 38. This act shall take effect and be in full force from and after the acceptance of the charter granted to the Michigan Central Railroad Company, and the payment of the sum of five hundred thousand dollars by the company last aforesaid, at the state treasury, to the state treasurer, which acceptance and payment shall immediately thereafter be made public by a notice to be given by the state treasurer and published in the state paper, if there be one, and if none, then in two daily papers published in the city of Detroit, or whenever the said Central Railroad is sold by the state.

Approved May 9, 1846.

#### No. 114.

AN ACT to authorize the Trustees of the Methodist Episcopal Church, in Marshall, to convey certain real estate.

Trustees  
authorized  
to convey  
lands,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the trustees, or a majority of them, of the Methodist Episcopal Church in Marshall, are hereby authorized to sell and convey, by good and sufficient deed, all the right, title and interest of said church, in and to lot numbered ten, of block numbered three, situated in the village of Marshall, and county of Calhoun.

Approved May 9, 1846.

No. 115.

AN ACT ceding to the United States jurisdiction over the Military Reserve, at Fort Gratiot, in the county of St. Clair.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the jurisdiction of the state over all that certain tract of land at and around Fort Gratiot, situate between Black river and the river St. Clair, in the county of St. Clair, containing six hundred and twelve acres more or less, as reserved by the United States for military purposes, be, and the same is hereby ceded to the said United States: *Provided always*, And this cession is upon the express condition, that the state of Michigan shall so far retain a concurrent jurisdiction with the United States in and over the tract of land aforesaid, that all civil and such criminal process as may issue under the authority of the said state, against any person or persons charged with offences committed without the bounds of said tract, may be executed therein in the same way and manner as though this cession had not been made.

Approved May 9, 1846.

No. 116.

AN ACT to authorize the trustees of the First Presbyterian society of Grass Lake in the county of Jackson and state of Michigan to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the trustees for the time being of the First Presbyterian society of Grass Lake, in Jackson county, state of Michigan, are hereby authorized and empowered to convey to the trustees for the time being of "the Grass Lake Academy and Teachers Seminary," the following described premises, to wit: All that certain piece of land situate on section number thirty-four, in township number two, south of range number two east, commencing at the west quarter post of said section thirty-four, thence east on the quarter line seven chains, thence south fifty links to the point of the beginning of said premises; thence south twelve degrees thirty minutes east, three chains ninety-four links; thence south seventy-seven degrees thirty minutes west, five chains and five links, thence north

Trustees  
authorized  
to convey  
lands.

three degrees forty-five minutes west, four chains sixty-eight links; thence north eighty-six degrees and fifteen minutes east, four chains and forty-eight links to the place of beginning, being the same premises upon which said trustees of said academy have erected their academy building; and the said conveyance when made shall pass all the title and interest of the said trustees of said First Presbyterian society in the premises above described, to the trustees of the Grass Lake Academy and Teachers Seminary.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved May 9, 1846.

#### No. 117.

AN ACT to vacate a part of the village plat of Medina, in the county of Lenawee.

A part of  
plat vacated Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that portion of the recorded plat of the village of Medina, in the county of Lenawee, to wit: All of Daniels street, all of Hotchkis street, all of Warner street north of Eagle street; all of Mill street north of Eagle street, all of Eagle street west of Warner street, all of Ripley street, all of Allen street, all of North street, all of Grant street, Hamilton street between Mill and Centre streets, Centre street south of Hamilton street, Finch street south of Hamilton street, all of South street, and all alleys and the public squares at the intersection of Eagle and Centre streets, and at the intersection of Eagle and Hotchkis streets, be and the same are hereby vacated.

Sec. 2. No streets, alleys or public squares shall be vacated to the injury of any other person or persons owning property on or upon or adjoining the above described streets, alleys or public squares.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved May 9, 1846.

## No. 118.

**AN ACT to provide for the payment of the claim of the Michigan Insurance Company.**

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there be, and there is hereby appropriated out of any money in the general fund, otherwise unappropriated, the sum of seventy-four dollars and eighty cents, in full of the claim of the Michigan Insurance Company, on account of three speaker's certificates, drawn by the Honorable A. H. Hanscomb, speaker of the House of Representatives for the year eighteen hundred and forty-five, in favor of honorable William Norman MacLeod, of the dates of February fourth, twelfth and twentieth, in the year eighteen hundred and forty-five, severally; and the state treasurer is hereby authorized and required to pay said amount of seventy-four dollars and eighty cents to said Michigan Insurance Company, or their agent, upon presentation of said certificates.

**Sec. 2.** This act shall take effect and be in force from and after its passage.

Approved May 9, 1846.

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No. 119.**AN ACT to provide for the payment of the claim of Orville B. Dibble.**

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there be, and there is hereby appropriated out of any moneys in the general fund, not otherwise appropriated, the sum of one hundred and twelve dollars, in full payment of the claim of Orville B. Dibble, on account of a certain Speaker's certificate, drawn by Honorable A. H. Hanscomb, Speaker of the House of Representatives for the year eighteen hundred and forty-five, on the twenty-fourth day of March, eighteen hundred and forty-five, in favor of Honorable William Norman MacLeod, now held by said Dibble; and the state treasurer is hereby authorized and required, upon delivery to him of said certificate, to pay said amount of one hundred and twelve dollars to said Dibble, or to his order, on presentation of said certificate.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved May 9, 1846.

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No. 120.

AN ACT to amend an act, approved March ninth, eighteen hundred and forty-three, entitled "an act to amend 'an act to provide for the voluntary dissolution of corporations, and to prescribe the duties of receivers in chancery in certain cases, and for other purposes,' approved April fifteenth, eighteen hundred and thirty-nine."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act, approved March ninth eighteen hundred and forty-three, entitled "an act to amend 'an act to provide for the voluntary dissolution of corporations, and to prescribe the duties of receivers in chancery in certain cases, and for other purposes,' approved April fifteenth, eighteen hundred and thirty-nine," be, and the same is hereby amended by striking out all after the word "thereof," in the fifth line of the said amendatory act and inserting in lieu of the portion thus stricken out the following: "Section fifty-two. Any person who shall have given security for any such banking incorporation by mortgages upon real estate or otherwise, or any person who shall have become, or may become the purchaser of any real estate so mortgaged, and who shall redeem in good faith, a part of the debts and liabilities of such corporation, equal to the amount for which said securities were liable under said act, shall, upon satisfactory proof of such fact, to be filed with the auditor general, be entitled to receive from him a release of such mortgages or other securities."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved May 11, 1846.



No. 121.

**AN ACT** to extend the time for making out the assessment roll of the townships of Algansee, California, Pewonagawink and Clayton, for the year one thousand eight hundred and forty-six.

*Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan.* That the time for making out the assessment roll of the townships of Algansee and California, and the townships of Pewonagawink and Clayton, in the county of Genesee, for the year one thousand eight hundred and forty-six, be, and the same is hereby extended to the first Monday of June next, and the time for assessing the highway labor in said township for the same year, is hereby extended to the first day of July, of the same year, any law to the contrary notwithstanding.

*Sec. 2.* This act shall take effect and be in force from and after its passage.

Approved May 11, 1846.

No. 122.

**AN ACT** relative to the Department of Natural History in the University of Michigan.

*Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the various specimens of geology, mineralogy, zoology, botany, and all other specimens pertaining to natural history belonging to the state, and now deposited in the University buildings be, and the same are hereby transferred to the Board of Regents of the University of Michigan, to be held by said Board of Regents in trust for the use and benefit of the said University and its branches; and the said Board of Regents are hereby authorized to take, have and enjoy, the right, property, possession and control thereof, and make such disposition of the said specimens as may be most beneficial for the interests of the University and its branches aforesaid. Specimens transferred,

*Sec. 2.* This act shall take effect and be in force from and after its passage.

Approved May 11, 1846.

## No. 123.

AN ACT to legalize the proceedings of the township meeting of the township of Hartland, in the county of Livingston, held April sixth, one thousand eight hundred and forty-six, and for other purposes.

**Proceedings of meeting** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the proceedings of the township meeting of the township of Hartland in the county of Livingston, held on the first Monday of April, one thousand eight hundred and forty-six, and all acts and doings of officers elected thereat, be and the same are hereby declared to be as valid and effectual in law as if such township meeting had been regularly adjourned by the township board to the place where such meeting was held in conformity with the regulations of law respecting such adjournment: *Provided*, That such proceedings, acts and doings are in other respects conformable to law.

**Proceedings legalized.** Sec. 2. That the proceedings of the township meeting of the township of Greenbush in the county of Clinton, held on the first Monday of April, one thousand eight hundred and forty-six, be as valid in law, to all intents and purposes, as if each of those acting as inspectors of said meeting, had been authorized and required by law, to act as one of the board of inspectors of said township meeting.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved May 11, 1846.

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No. 124.

AN ACT to extend the time for the assessment of taxes for the year one thousand eight hundred and forty-six, in the township of St. Clair.

**Time extended for collection of taxes.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for making up the assessment roll by the assessors, of the township of St. Clair, in the county of St. Clair, for the year one thousand eight hundred and forty-six, be, and the same is hereby extended to the fourth Monday of May

in the year last aforesaid; and the said assessment rolls being otherwise made up and completed according to existing law, shall be as valid to all intents and purposes as if the same had been made up by the time now limited by law for making the same; and the time for assessing the highway labor in said township for the same year is hereby extended to the fifteenth day of June of the same year, any law to the contrary notwithstanding.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved May 11, 1846.

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No. 125.

AN ACT to repeal the charter of the village of Dearbonville.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That an act to incorporate the village of Dearbonville, approved April fifth, one thousand eight hundred and thirty-eight, be and the same is hereby repealed.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved May 11, 1846.

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No. 126.

AN ACT to attach certain surveyed townships in the county of Kent, to the townships of Courtland and Plainfield, in said county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that part of the county of Kent, designated by the United States survey, as townships ten, north of range nine west and ten, north of range ten west, be, and they are hereby attached to the township of Courtland, in said county. Townships attached.

Sec. 2. All that part of the said county of Kent, designated by the United States survey as township ten, north of range eleven west, be, and the same is hereby attached to the township of Plainfield, in said county.

Sec. 3. The assessors of the townships of Courtland and Plainfield

are hereby authorized and required, in making their assessments in their respective townships, to assess the property of the townships hereby attached, in like manner and with the like effect as if the same had been originally a part of such townships, and for that purpose, the time for taking and completing such assessments is hereby extended for the present year until the first day of June next.

Sec. 4. This act shall take effect and be force from and after its passage.

Approved May 11, 1846.

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No. 127.

AN ACT to authorize the sale of a certain lot held in trust for the benefit of the Roman Catholic church in the city of Monroe.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Governor of this state together with Joseph Loranger and Rosalie his wife, of the county of Monroe, be and they are hereby authorized and empowered to sell and convey to any person or persons lot number nineteen in the city of Monroe, which was conveyed to Lewis Cass as Governor of the territory of Michigan, by deed from the said Joseph Loranger and Rosalie his wife, bearing date the fourth day of October, A. D. one thousand eight hundred and seventeen, for the use and benefit of the Roman Catholic society of Monroe, now known and incorporated by the name of "St. Anthony." Such sum as the said Governor shall receive for the consideration for the sale of said lot shall be paid to the officers or persons properly representing the said Roman Catholic society in the city of Monroe, to be by them applied for its use and benefit.

Sec. 2. "An act to authorize the sale of a certain lot in the village of Monroe," approved January twenty-sixth, eighteen hundred and thirty-five, be and the same is hereby repealed, but this repeal to affect no rights acquired under said act.

Sec. 3. This act shall take effect from and after its passage.

Approved May 11, 1846.

## No. 128.

AN ACT to incorporate the Owasso Literary Insti<sup>t</sup>

Section 1. *Be it enacted by the Senate and House of Representa-<sup>Incorporation.</sup> tives of the State of Michigan,* That Elias Comstock, Alfred L. Williams, Benjamin O. Williams, Amos Gould, Charles L. Goodhue, Anson B. Chipman and John B. Barnes, of the county of Shiawassee, and their successors in office, be, and they are hereby constituted and declared a body corporate and politic in fact and in name, under the name and style of the "Owasso Literary Institute," and by that name they and their successors in office shall and may have perpetual succession. and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts whatever.

Sec. 2. That the persons named in the preceding section, and their successors in office, may have a common seal, and change the same <sup>To have a seal.</sup> at their pleasure, and by the name of the Owasso Literary Institute, shall be capable in law of acquiring and holding by purchase, gift, grant, devise, bequest or otherwise; and of selling, conveying or leasing any estate, real, personal or mixed, for the purposes hereinafter mentioned and no other; and they, and their successors in office shall have full power to make and enter into contracts, to make such rules and by-laws as may be necessary for the good government and success of said institute: *Provided*, Such by-laws are not inconsistent with the constitution and laws of the United States or of this state.

Sec. 3. The capital stock of the said corporation shall not exceed <sup>Capital stock</sup> the sum of ten thousand dollars, and shall be divided into shares of ten dollars each.

Sec. 4. Said corporation shall have power to establish and continue <sup>Powers</sup> in the township of Owasso, an institution of learning for the instruction of persons in the various branches of literature and the arts and sciences.

Sec. 5. There shall be seven trustees of the said corporation, who shall be members thereof, and who shall manage all the affairs there- <sup>Trustees.</sup> of; and the first trustees shall be Elias Comstock, Alfred L. Williams, Benjamin O. Williams, Amos Gould, Charles L. Goodhue, Anson B.

Chipman and John B. Barnes; who shall hold their offices and have and exercise the powers and franchises hereby granted, until the first Monday in January, eighteen hundred and forty-seven, and until others are elected in their places.

General  
meeting.

Sec. 6. There shall be, on the first Monday of January, eighteen hundred and forty-seven, and on the first Monday of January in every succeeding year, a general meeting of the stockholders of said corporation, at some convenient place in the village of Owasso, to be designated by the by-laws of said corporation; and a majority of the stockholders who shall meet in person or by proxy, shall elect by ballot seven of the stockholders to be trustees of said corporation for the year then next ensuing.

President.

Sec. 7. The trustees of said corporation shall have power to choose of their own number, a president, treasurer and a secretary, who shall immediately enter upon the duties of their offices, and hold the same from the time of their election until the first Monday of January of the ensuing year, and until others are chosen in their stead; and in case any of the trustees shall die, resign, refuse or neglect to act, then, and in any such case, the remaining trustees may, within thirty days thereafter, elect by ballot other stockholders of the said corporation in their stead, who shall hold their offices in the same manner as those first elected.

Votes.

Sec. 8. Each stockholder shall be entitled to one vote for each share of which he shall be the holder; and the said trustees shall receive subscriptions for shares in said corporation until the capital stock may be subscribed. The said shares shall be assignable and transferrable according to such rules as the board of trustees shall from time to time make and establish, and shall be considered personal property.

May hold  
election.

Sec. 9. In case it should at any time happen that an election of trustees should not be made on any day when, pursuant to this act it ought to have been made, the said corporation shall not for that cause be dissolved; but it shall and may be lawful on any other day to hold an election for trustees in such manner as shall be provided by the by-laws and ordinances of said corporation.

To apply  
funds.

Sec. 10. The said trustees shall faithfully apply all funds in money or otherwise, by them collected or acquired, according to their

best judgment, in the erection of suitable buildings; in the support of necessary officers and teachers, and in procuring a suitable library and other articles necessary to insure the success of said institution.

Sec. 11. All process against said corporation shall be by summons, and the service of the same shall be by leaving an attested copy with the president of said board of trustees, or in his absence, at his last place of abode, at least six days previous to the return day thereof. <sup>Process.</sup>

Sec. 12. The legislature may alter, amend or repeal this act.

Sec. 13. The trustees of said institution shall be jointly and severally liable for all debts against the corporation: *Provided*, That no execution shall issue against the individual property of said trustees until the property of the corporation shall first have been exhausted. <sup>Liability.</sup>

Sec. 14. This act shall take effect and be in force from and after its passage.

Approved May 11, 1846.

#### No. 129.

### AN ACT amendatory of the several acts touching Licenses.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section three of an act entitled "an act to amend the Revised Statutes in relation to taverns and other licensed houses," approved April eleventh, eighteen hundred and thirty-nine, be amended by inserting at the end of the first line of said section as printed, after the word "township," the words "and corporate authorities of each city and village." <sup>Amendment</sup>

Sec. 2. All penalties and forfeitures imposed or prescribed in or by chapter five, title nine, part first of the Revised Statutes, or by the aforesaid "act to amend the Revised Statutes in relation to taverns and other licensed houses," may be recovered in an action of debt, and when prosecuted for by a supervisor, shall be so prosecuted in the name of such supervisor for the use of the township where said act or acts shall have been violated; and such penalties and forfeitures when incurred for any acts done in any incorporated city or village, may be recovered by suit brought in the corporate name of the city or village in which the act was done whereby such pen- <sup>To recover penalties, &c.</sup>

alty or forfeiture was incurred ; and such suit may be instituted before any justice of the peace in the township, city or village in which such act was done, or in an adjoining township, city or village. Any person, resident in such township, city or village may institute suit for any such penalty or forfeiture in the name of such supervisor, city or village, in manner aforesaid, first giving security to the satisfaction of the justice of the peace before whom the suit shall be brought, for the payment of any costs which may be recovered against the plaintiff, and in such case the plaintiff named in the suit shall not be liable to execution for any costs in such suit ; and no suit shall be brought, nor shall any execution be issued against such plaintiff therefor ; and for all such penalties or forfeitures incurred after the taking effect of this act, suit may be instituted in manner aforesaid,

Form of  
declaration.

Sec. 3. The declaration in any suit instituted to recover any penalty or penalties, forfeiture or forfeitures, incurred as aforesaid, may be in the following form, to wit :

A. B. complains of C. D., and says that C. D. justly owes to him, the said A. B., the sum of one hundred dollars for certain penalties and forfeitures, which the said C. D. has incurred, and is justly liable to pay by reason that said C. D. did, on the——day of——, in the year ——, and at divers times between the said day, and the——day of—— in the year ——, (which time shall not exceed thirty days) ——at——, (insert the township, city or village in which the act was done) in the county of——, do and commit certain acts in violation of the laws of this state, touching the sale of wine and spirituous liquors, and therefore the said A. B. brings his suit."

And the defendant may plead thereto in the following form, to wit : "The said C. D. is not indebted to said A. B. as above alleged." And under such declaration evidence may be given of any violation of any provision or provisions of chapter five, title nine, part first of the Revised Statutes, or of the act entitled "an act to amend the Revised Statutes in relation to taverns and other licensed houses," or of both of them, or of any acts amendatory thereof, or to modify the same, which may have been done or committed within the time mentioned in the declaration ; and under such plea the defendant may offer any competent testimony to show that he has not done or committed any such violation of said chapter or act.



Sec. 4. That "an act to modify the license law," approved March nineteenth, eighteen hundred and forty-five, be amended by striking out section three and inserting the following to stand as section three : Amendment

"Sec. 3. If upon such canvass it should be ascertained that a majority of the votes thus cast were inscribed with the word "license," To grant license then the township, village or city authorities, as the case may be, shall grant licenses for the sale of distilled and fermented liquors, and for taverns, inns, groceries and victualling houses, to every applicant of good moral standing in society, under existing provisions of law. Such license shall be subject to be recalled for the same reasons and in the same manner as licenses heretofore granted under existing provisions of law."

Sec. 5. Nothing herein contained shall in any wise supersede, abridge, or restrict any remedy which might have been had in case this act had not been passed.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved May 12, 1846.

### No. 130.

AN ACT to provide for the taxation of dogs and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That it shall be the duty of the assessors of the several townships and of the several wards of any incorporated city or village in this state at the time when the general assessment for town, county and state taxes is now required by law to be made, annually to take an accurate account in each of their said townships, wards or districts, of all dogs upwards of three months of age, owned or possessed by any person or persons within their said towns, wards or districts, particularly noting the number kept by each person and the name of such person; and when the said assessors come to make out their annual tax roll, they shall levy and cause to be collected of every person or persons owning or possessing one dog, any sum not exceeding one dollar, and for every addi- To tax dogs

tional dog kept about the same house, any sum not exceeding two dollars, which said tax shall be collected by the treasurers or collectors of the several townships, wards or districts of this state in the same manner as other taxes are required by law to be collected; and the monies arising therefrom shall go into the treasury of the township for township purposes.

Evidence of  
ownership.

Sec. 2. Every dog kept or staying about any house shall be sufficient evidence of ownership to authorize the assessors to assess the person or persons owning or occupying said house as the owner or possessor of such dog; and every dog not so assessed shall be deemed to have no owner and may be lawfully killed by any person seeing him running at large.

Returns &c.

Sec. 3. Whenever the treasurer or collector of taxes of any township, ward or district shall have made return upon his warrant that any of the taxes upon dogs above mentioned have not been paid and cannot be collected, it shall be lawful for any person to take and kill such dog.

Electors to  
determine  
when act to  
take effect.

Sec. 4. It shall be lawful for the qualified electors of any township or ward of any city or village in this state, at the annual township meeting thereof to determine by majority of votes, viva voce, that this act shall not be in force in said township or ward, and in case he qualified electors shall so vote and determine, then this act shall be of no force or effect within the said township or ward until the said electors shall otherwise determine by vote in like manner.

Owners of  
dogs to pay  
damages.

Sec. 5. It shall be lawful for the electors aforesaid and at the time and in manner aforesaid, to appropriate the fund raised by tax on dogs under this act for the exclusive purpose of paying the damages to citizens of their township for destruction of sheep by dogs in said township.

Sec. 6. When any inhabitant of the townships aforesaid shall have had any sheep destroyed by a dog or dogs, he or she may apply to the township board, and they or any two of them, are hereby required to ascertain the damage sustained by the owner of such sheep destroyed as aforesaid, and when they shall have ascertained the legality of the claim and the damages so sustained, they or any two of them shall certify the same under their hands and seals to the supervisor of the township, who shall draw his warrant on the township

treasurer for the amount so certified, to be paid out of the fund arising from the tax on dogs; but if there shall not be sufficient money in the treasury belonging to the said fund, then the said warrant shall be kept by the person in whose favor it shall have been drawn, and be paid out of the first money that shall come into the treasury belonging to said fund.

Approved May 12, 1846.

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No. 131.

**AN ACT** to legalize the returns of delinquent taxes for the year eighteen hundred and forty-five, from the township of Florence, in the county of St. Joseph.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the oath made before a justice of the peace by the deputy sheriff to the returns of unpaid taxes for the year eighteen hundred and forty-five, of the township of Florence, in the county of St. Joseph, shall be as valid and effectual in law as if the same had been made before, and administered by the county treasurer, as the law required; and the Auditor General shall receive the said returns and record them in the books of his office, provided they are not otherwise informal or defective, any law to the contrary notwithstanding.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved May 12, 1846.

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No. 132.

**AN ACT** to authorize the polls to be opened at two places in the township of Hamtramck.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That for the purpose of receiving the votes at the general and township elections, the township of Hamtramck, in the county of Wayne, shall be divided into two districts to be designated respectively as the Eastern and Western poll dis-

To open  
polls at two  
places.

gricts in the township of Hamtramck. The first, or front concession so called, of farms as granted or confirmed by the United States, and lying upon the border of the Detroit river and Lake St. Clair, between the Western boundary of the "Cook farm," so called, and the Northern boundary line of said township shall constitute the said Eastern poll district; and all the residue of said township shall constitute said Western poll district. And the polls shall be opened at such places in said districts respectively as shall be directed by the township board, and for each of said districts the township clerk, at the expense of the township, shall supply such and so many ballot boxes as are or may be required by law to be furnished or supplied.

Inspectors.

Sec. 2. The township board of said township shall select three of their number who shall be inspectors of elections in said Eastern district, and the residue of said board shall be inspectors of elections for said Western district, of which inspectors two shall constitute a legal majority; and in case a legal majority shall not attend at the hour for opening the polls, or shall not continue in attendance during the continuance of the election, the electors present may viva voce elect others to fill their places in manner provided in section one, chapter three, title two, part one of the Revised Statutes, but so that the number of such inspectors in no case in either of said districts shall exceed three.

Electors.

Sec. 3. The electors residing in said Eastern district shall vote in said Eastern district, and the electors residing in said Western district shall vote in said Western district, and the elections shall be held in said districts in all respects, when not herein otherwise provided, in like manner as is provided in chapter three aforesaid, for the conducting of elections in townships.

Canvass  
votes.

Sec. 4. The votes cast in said districts shall not be canvassed on the day of the election, but the inspectors having the respective ballot boxes of said districts in charge, shall, on the day next following the election convey said ballot boxes to the office of the township clerk, where the inspectors of elections for said Eastern and Western districts shall convene at eleven o'clock in the forenoon, or as soon thereafter as may be, and then and there the votes so cast in said districts shall be canvassed, and the result thereof ascertained and certified; and all the proceedings touching the same shall be had

in like manner as though the polls had been opened at but one place in said township, and the said inspectors had been inspectors of elections thereat.

Sec. 5. All township officers shall be elected in said township by ballot.

Approved May 12, 1846.

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No. 133.

AN ACT to authorize Louisa M. Skinner to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Louisa M. Skinner, of Tecumseh, county of Lenawee, and state of Michigan, be and is hereby authorized to execute a deed in due form, of the following described premises to wit: The east half of the north east quarter of section ten, township number five south, of range number four east, containing seventy-five acres, according to the United States survey, for the state of Michigan, heretofore conveyed by William Sutfin to the said Louisa M. Skinner, and any such deed or deeds, duly executed and recorded, shall be deemed to convey and assure to the grantees therein named, their heirs and assigns forever, the full and sufficient legal title in and to the aforesaid premises, for all intents and purposes whatsoever. Conveyance  
of lands.

Sec. 2. Nothing in this act shall be construed to prejudice the interest, or impair the vested rights of any person not a party to any conveyance to be executed under the provisions of this act.

Sec. 3. This act shall take effect from and after its passage.

Approved May 12, 1846.

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No. 134.

AN ACT to amend an act entitled "an act relative to common or primary schools."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the third sub-division of section

twenty-two, of an act entitled "an act relative to common or primary schools," approved March eighth, A. D. eighteen hundred and forty-three, be, and is hereby amended by adding to the end thereof the following proviso: "*Provided*, That the district board shall not in any case, build a stone or brick school house upon any site, without first having obtained a title in fee to the same, or a lease for ninety-nine years. And also, that they shall not, in any case, build a frame school house upon any site for which they have not a title in fee, or a lease for fifty years, without reserving the privilege of removing the said school house when lawfully directed so to do by the qualified voters of the district, at an annual or special meeting: *And provided further*, That this act shall not affect any existing contract or proceedings."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved May 13, 1846.

#### No. 135.

### AN ACT to incorporate the Flint and Saginaw Navigation Company.

*Commissioners.* Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Chancy S. Payne, George M. Dewey, Eugene Vandeventer, James Fraser, Henry M. Henderson, Porter Hazelton, Ezekiel R. Ewings, James B. Walker, Joseph K. Rugg, Elijah N. Davenport, Nelson Smith and William McDonald, be, and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Flint River and Saginaw Navigation Company hereby incorporated, and they shall cause books to be opened at the village of Flint and city of Saginaw, and at such other places as they may deem proper, and at such times as they shall direct, for the purpose of raising subscriptions to the capital stock of said company, first giving thirty days notice in at least two newspapers printed in this state, of the time of taking subscriptions at the places aforesaid.

*Capital stock.* Sec. 2. The capital stock of said company shall be fifty thousand dollars; in shares of twenty-five dollars each, and as soon as two hun-

dred shares of said capital stock shall be subscribed, the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby created, a body corporate and politic, by the name of the Flint River and Saginaw Navigation Company, with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, leasing, and conveying estate, either real, or personal or mixed, so far as the same may be necessary, for the purposes hereinafter mentioned, and no farther, and in their corporate name may sue and be sued, may have a common seal, which they may alter and renew at pleasure, and shall have, enjoy and may exercise all the powers, rights and privileges which appertain to corporate bodies, for the purposes mentioned in this act.

Sec. 3. Said corporation hereby created, shall have power, and are hereby authorized to enter upon the river Flint, and upon the <sup>Power of co</sup> lands on either side, and to use the rocks, stones, gravel or earth which may be found thereon, in the construction of their works, first giving notice to the owners or occupiers of the land, and to form and make, erect and set up, any dams, locks or any other device whatsoever, which they shall think most fit and convenient to make a complete slack water navigation between the points hereinafter mentioned, to wit: From the village of Flint, in the county of Genesee, to and down said river, to a point where the Flint river intersects the Shiawassee river, said company first making compensation for property taken or damage which may be done, in manner provided in the next following section. The said company shall also have power to make such improvements on said Flint river, between the points aforesaid, as will render the same navigable, according to the provisions of this act; and the locks for the passage of steamboats, barges or other craft up and down said river, shall be of sufficient width and length to admit a raft, and easy passage for steamboats, barges and other craft, up as well as down said river. The company shall make amends for any damages that may be done on said lands, and pay the owner or owners for the materials taken away, as well as for the land occupied in the construction of the said dams and locks: *Provided*, That nothing in this act shall be so construed as to prevent any person owning the land adjoining said stream using the same for any pur-

pose whatever, if it does not interfere with the navigation of said river.

*May agree with owners*  
 Sec. 4. The said corporation may agree with the owner or owners of any land, for earth, timber, gravel, stone or other materials, or any article which may be wanted in the construction or repair of said dams, locks, or any of its works, for the purchase or occupation of the same, and of such materials, (not previously taken or appropriated by the proprietor thereof; to any particular use,) as may be necessary for the construction and repair of said dams and locks in the Flint river that may be found on any land adjoining or near the same; and if the parties cannot agree, or if the owner or owners or any of them be a femme covert, under age, non compos mentis, or out of the county in which the property wanted may be, application may be made to any justice of the peace of said county, who shall thereupon issue his warrant, directed to the sheriff of said county; or if the sheriff be interested, to some disinterested person, requiring him to summon twelve freeholders in the county not in any way interested in the matter or related to the parties, to meet on or near the property or materials to be valued, on a day named in said warrant, and not less than five nor more than ten days after the issuing of the same; and if, at the said time and place, any of the persons summoned do not attend, the said sheriff or summoner shall immediately summon as many as may be necessary, with the persons in attendance as jurors, and from them, each party, his, her or their agent or attorney, or if either of them be not present in person or by agent, the sheriff or summoner for him, her or them, may strike off three jurors, and the remainder shall act as a jury of inquest of damages; and before they act as such, the sheriff or summoner shall administer to each of them an oath or affirmation that they will justly and impartially value the damages which the owner or owners will sustain by the use or occupation of the land, materials or property required by said company; and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall be sent to the clerk of the county, to be by him filed in his office, and shall be confirmed by the circuit court of said county at its next session, if no sufficient cause to the contrary be shown; and when confirmed, the same shall be enrolled by the said clerk, at the expense of said company; and the said confirma-

*Inquisition to be in writing.*



tion shall be considered final; but if set aside, the court may direct another inquisition to be taken in the manner above specified; said inquisition shall describe the property taken, or the bounds of the land taken by said company; such valuation, when paid or tendered to the owner or owners of said property, his, her or their legal representative, shall entitle the said company to the estate and interest in the same thus valued, as fully as if it had been conveyed by the owner or owners of the same, for such term of time as said company shall occupy the same for the purpose of navigation as aforesaid; and if the valuation be not received when tendered, it may at any time thereafter be received from the company without cost; and the sheriff or summoner and jurors shall be allowed the ordinary fees for like services, to be taxed by the court: *Provided, nevertheless,* That no personal property shall be taken by said company without the consent of the owners thereof.

Sec. 5. The said corporation shall have the privilege and be entitled to sell in fee, lease or rent, for one or more years, the water power created by any dam erected at the expense of the company, to any person or persons, on such terms as shall be deemed advantageous to the corporation: *Provided,* That it may be so done, that it shall not injure, impede or interrupt the navigation, and that the money arising therefrom be applied to the use and benefit of said corporation.

Sec. 6. If said corporation shall not, within three years from the passage of this act, complete one-third of the works necessary for navigating said river, and shall not within ten years complete the clearing, daming and locking of said river, in such manner that the said river shall become and be navigable from Flint aforesaid, to the mouth of said river, for boats, barges, scows and other water craft navigating said river, then the rights, privileges, and powers of said corporation shall cease and become inoperative.

Sec. 7. Whenever two hundred shares of the capital stock of said company shall have been subscribed, the commissioners shall call a meeting of the subscribers at such time and place as they may appoint, by giving thirty days notice of such meeting in the manner prescribed in the first section of this act, and at such meeting shall lay the books of subscription before the subscribers then present, and

thereupon, the stockholders may elect seven directors by ballot, a majority of whom shall be competent to manage the affairs of said company; and said directors are empowered to elect one of their number president; and on all occasions, when a vote of the stockholders is to be taken, each and every share shall entitle the holder thereof to one vote, either by himself in person or by proxy.

Directors  
chosen an-  
nually

Sec. 8. To continue the succession of president and directors of said company, seven directors shall be chosen annually, on the first Monday of October, at such place as may be appointed by the directors; and if any vacancies shall occur by death, resignation or otherwise, of any president or director, before the year for which he was elected shall have expired, such vacancy for the remainder of the year may be filled by the directors of said company or a majority of them. The president and directors of said company shall hold their offices for one year, and until others are chosen and qualified in their stead; all elections which are by this act or by the by-laws of the company to be made on any particular day, if not made on such day, may be made at any time thereafter, provided the notice contemplated in the first section shall have been given.

General  
meeting.

Sec. 9. A general meeting of the stockholders of said company shall be held annually, at the time and place appointed for the election of president and directors; and a meeting may be called at any time during the interval between the said annual meeting, by the president and directors, or by the stockholders owning not less than one eighth of the stock, by giving thirty days notice of the time and place of meeting, in the manner hereinbefore prescribed; and when any such meeting is called by the stockholders, the particular object of such call shall be stated, and if at any meeting thus called, a majority in value of the stockholders are not present, in person or by proxy, such meeting shall be adjourned from day to day not exceeding three days, without transacting any business, and if within three days, stockholders having a majority of the stock do not attend such meeting, then the said meeting shall be dissolved; and thereupon a second meeting may be called for the same purpose, and notice given of such second meeting as above prescribed, specifying particularly the object of such second meeting; and at such second meeting the stockholders present may proceed to the transaction of the business so

specified, and their acts shall be as binding and valid as though there were a majority in value of the stockholders present.

Sec. 10. At the regular meeting of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year to exhibit a clear and distinct statement of the affairs of the said company, and at any meeting called of the stockholders, a majority of those present, in person or by proxy, may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required; and at all general meetings of the stockholders owning a majority of all the stock in said company, may remove from office any president or any of the directors of said company and appoint others in their stead. <sup>Regular meeting.</sup>

Sec. 11. The said president and directors, or a majority of them, shall have power to appoint, contract with and determine the compensation of all such officers, engineers, agents and servants, whatsoever as they may deem necessary for the transaction of the business of the company, and remove them at pleasure; and the said president and directors or a majority of them, shall have power to determine the manner and evidence of the transfers of the stock of said company, and they shall have power to pass all by-laws which they may deem necessary for the carrying into execution all the powers vested in the company hereby incorporated: *Provided*, Such by-laws shall not be contrary to the constitution or laws of the United States, or of this state. <sup>Power of directors</sup>

Sec. 12. The president and directors of said company shall be and they are hereby invested with all the privileges and powers necessary for the location, construction and keeping in repair said dams and locks, aforesaid, and the said president and directors or their agents, or those with whom they may contract for making said dams, locks, and clearing out of said rivers or any part of them, may enter upon, use and excavate any land which may be wanted for the purpose of improving the navigation of said river, or any other purpose which is necessary in the construction and repair of said dams and locks, as soon as the amount of compensation therefor is ascertained and tendered, as hereinbefore provided. <sup>To keep dams in repair</sup>

Sec. 13. If the president and directors of said company shall neglect or refuse to keep in good order and repair, any dam, lock or <sup>Penalty.</sup>

sluice of their own construction, or shall neglect to remove any obstacle which may occur therein, so that boats, barges, rafts or vessels cannot at all times safely navigate said river, when the same is not prevented by ice or other unavoidable cause, they shall for every such offence pay to the party aggrieved the sum of twenty-five dollars, to be recovered by action of debt before any court having competent jurisdiction.

**Penalty.**

Sec. 14. If any person or persons shall wilfully and knowingly do any act or thing whereby the navigation shall be impeded, or whereby any dam, lock, gate or engine, machine or device therein belonging, or any machinery or property of the company shall be injured or damaged, he, she or they so offending shall forfeit and pay to the company double the damages by them sustained, together with cost, to be recovered by action of debt before any court of competent jurisdiction.

**Construction**

Sec. 15. Nothing herein contained shall be so construed as to authorize said company to destroy, or in any way impair any right or privilege of water on which a dam has been erected, and which is occupied and improved by the erection of mills; and if it should be necessary to alter any dam so erected, or alter any lock or sluice therein to correspond with the other improvements of said company, and adapt the same to the purposes intended by this act, and such alteration is not assented to by the mill owners who erected said dam, lock or sluice, the damages for any such alteration shall be first ascertained and tendered to such owners as hereinbefore provided, before such alteration shall be made: *Provided*, That on any such alteration of any dam, lock or sluice being made by said company, the owner of such dam shall be entitled to all the water power created by such alteration; and in the estimate of damages as aforesaid, the increase, if any, to the water, shall be taken into consideration in making such estimate; but in no case shall any estimate be made which shall require the owner of any such dam to pay any sum of money to said company for improvements made to their dams as above provided.

Sec. 16. The president, directors and company, or such person or persons as they shall from time to time appoint, shall have power to charge and receive for tolls in said rivers such reasonable sums as

shall be established by the by-laws of the company hereby incorporated, and approved by the legislature; and it shall not be lawful for any other company, or any other person or persons, to receive tolls in any portion of said rivers above referred to, or any part thereof, without the license or permission of the said president and directors of said company; and the shares of the capital stock of said company shall be considered personal property, and shall be transferable on the books of the company, agreeably to the by-laws of the said company, and subject to be taken on execution agreeably to such laws as are or may hereafter be in force. <sup>May charge tolls.</sup>

Sec. 17. The president or directors shall, at such times as the company by their by-laws may direct, declare and make such dividend as they may think proper of the net profits from the resources of said company, deducting the necessary current expenses; and they shall make such dividend among the stockholders of said company in proportion to their respective shares. <sup>Dividends.</sup>

Sec. 18. The legislature may at any time impose a specific state tax upon the property of said company in lieu of all other taxes, such tax never to exceed three fourths of one per cent per annum.

Sec. 19. The stockholders of said company shall be individually liable for all the debts contracted by said company to the amount of the stock owned by each, at the time such contract is made, after the property of the company, liable to execution, has been exhausted.

Sec. 20. It shall be lawful for the state of Michigan at any time to take possession of the improvements made for the purposes of navigation upon said river by said company, and convert the same into state property, on payment of the cost of investment and ten per cent in addition thereto.

Sec. 21. The legislature may at any time hereafter alter, amend or repeal this act.

Sec. 22. This act shall take effect and be in force from and after its passage.

Approved May 15, 1846.

## No. 136.

## AN ACT to incorporate the Owosso and Saginaw Navigation Company.

**Commissioners.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Amos Gould, Alfred L. Williams, Benjamin O. Williams, Elias Comstock, Ebenezer C. Kimberly, Lemuel Castle, Isaac Gale, George W. Slocumb, George Chapman, Edward L. Ament, Anson B. Chipman and John B. Barnes, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Owosso and Saginaw Navigation Company hereby incorporated, and they shall cause books to be opened at the village of Owosso and city of Saginaw, and at such other places as they may deem proper, and at such times as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice in at least two newspapers printed in this state, of the time of taking subscription at the places aforesaid.

**Capital stock** Sec. 2. The capital stock of said company shall be one hundred thousand dollars, in shares of twenty-five dollars each, and as soon as four hundred shares of said capital stock shall be subscribed, the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name of the Owosso and Saginaw Navigation Company, with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, leasing, and conveying estate, either real or personal, or mixed, so far as the same may be necessary for purposes hereinafter mentioned, and no further; and in their corporate name may sue and be sued, may have a common seal, which they may alter and renew at pleasure, and shall have, enjoy and may exercise all the powers, rights, and privileges which appertain to corporate bodies, for the purposes mentioned in this act.

**Power to enter upon lands, &c.** Sec. 3. Said corporation hereby created shall have power, and are hereby authorized to enter upon the river Shiawassee, and upon the lands on either side, and to use the rocks, stones, gravel or earth which may be found thereon, in the construction of their works, first giving notice to the owners or occupiers of the land, and to form and

make, erect and set up, any dams, locks or any other device whatsoever, which they shall think most fit and convenient to make a complete slack water navigation between the points hereinafter mentioned, to wit : From the village of Owosso, in the county of Shiawassee, to and down said river, to a point where the Flint river intersects the Shiawassee. The said corporation shall also have power to construct a canal from some point on said river Shiawassee, to such point on Bad river as they may hereafter determine upon and to make such improvements on said Bad river as will render the same navigable, according to the provisions of this act; and the locks for the purposes of passing steamboats, barges or other craft up and down said river, shall be of sufficient width and length to admit a raft, and easy passage for steamboats, barges and other craft, up as well as down said river; they shall make amends for any damages that may be done on said lands, and pay the owner or owners for the materials taken away, as well as for the land occupied in the construction of the said dams and water works.

Sec. 4. The said corporation may agree with the owner or owners of any land, for earth, timber, gravel, stone or other materials, or any article which may be wanted in the construction or repair of said dams, locks or any of its works, for the purchase or occupation of the same, and of such materials (not previously taken or appropriated by the proprietor thereof to any particular use,) as may be necessary for the construction and repair of said dams, and locks in the Shiawassee and Bad rivers, that may be found on any land adjoining or near the same; and if the parties cannot agree, or if the owner or owners of any of them be a femme covert, under age, non compos mentis, or out of the county in which the property wanted may be, application may be made to any justice of the peace of said county, who shall thereupon issue his warrant, directed to the sheriff of said county; or if the sheriff be interested, to some disinterested person, requiring him to summon twelve freeholders in the county, not in any way interested in the matter, or related to the parties, to meet on or near the property or materials to be valued, on a day named in said warrant, and not less than five nor more than ten days after the issuing of the same; and if at the said time and place any of the persons summoned do not attend, the said sheriff or summoner shall immediately summon as many as may be

May agree  
with owners  
of land,

Inquisition  
to be in writ-  
ing.

necessary, with the persons in attendance as jurors ; and from them each party, his, her or their agent or attorney, or if either of them be not present in person or by agent, the sheriff or summoner for him, her or them may strike off three jurors, and the remainder shall act as a jury of inquest of damages ; and before they act as such, the sheriff or summoner shall administer to each of them an oath or affirmation that they will justly and impartially value the damages which the owner or owners will sustain by the use or occupation of the land, material or property required by said company ; and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall be sent to the clerk of the county, to be by him filed in his office, and shall be confirmed by the circuit court of said county at its next session, if no sufficient cause to the contrary be shown ; and when confirmed, the same shall be enrolled by the said clerk, at the expense of said company ; and the said confirmation shall be considered final ; but if set aside, the court may direct another inquisition to be taken in the manner above specified ; said inquisition shall describe the property taken, or the bounds of the land taken by said company ; such valuation, when paid or tendered to the owner or owners of said property, his, her or their legal representative, shall entitle the said company to the estate and interest in the same, thus valued, as fully as if it had been conveyed by the owner or owners of the same, for such term of time as said company shall occupy the same for the purpose of navigation as aforesaid ; and if the valuation be not received when tendered, it may at any time thereafter be received from the company without cost, and the sheriff or summoner and jurors shall be allowed the ordinary fees for like services, to be taxed by the court.

May lease  
water pow'r

Sec. 5. The said corporation shall have the privilege and be entitled to sell in fee, lease or rent, for one or more years, the said water power to any person or persons on such terms as shall be deemed advantageous to the corporation : *Provided*, That it may be so done, that it shall not injure, impede or interrupt the navigation ; and that the money arising from such sale of the water power be applied to the use and benefit of said corporation.

When work  
to be com-  
pleted.

Sec. 6. If said corporation shall not within three years from the passage of this act, complete one-third of the works necessary for



navigating said river, and shall not within ten years complete the clearing, draining and locking of said river, then the rights, privileges and powers of said corporation shall be void.

Sec. 7. Whenever two hundred shares of the capital stock of said company shall have been subscribed, the commissioners shall call a <sup>Meeting.</sup> meeting of the subscribers at such time and place as they may appoint, by giving thirty days notice of such meeting, in the manner prescribed in the first section of this act: and at such meeting shall lay the books of subscription before the subscribers then present, and thereupon the stockholders may elect seven directors by ballot, a majority of whom shall be competent to manage the affairs of said company; and said directors are empowered to elect one of their number president; and on all occasions when a vote of the stockholders is to be taken, each and every share shall entitle the holder thereof to one vote, either by himself in person or by proxy.

Sec. 8. To continue the succession of president and directors of said company, seven directors shall be chosen annually, on the first <sup>Directors chosen.</sup> Monday of October, at such place as may be appointed by the directors; and if any vacancy shall occur by death, resignation or otherwise, of any president or director, before the year for which he was elected shall have expired, such vacancy for the remainder of the year may be filled by the directors of said company, or a majority of them. The president and directors of said company shall hold their offices for one year, and until others are chosen in their stead; all elections, which are by this act, or by the by-laws of the company, to be made on any particular day, if not made on such day, may be made at any time thereafter: *Provided*, The notice contemplated in the first section shall have been given.

Sec. 9. A general meeting of the stockholders of said company shall be held annually, at the time and place appointed for the election <sup>General meeting.</sup> of president and directors; and a meeting may be called at any time during the interval between the said annual meeting by the president and directors, or by the stockholders owning not less than one-eighth of the stock, by giving thirty days notice of the time and place of meeting, in the manner hereinbefore prescribed; and when any such meeting is called by the stockholders, the particular object of such call shall be stated; and if, at any meeting thus called, a majori-

ty in value of the stockholders are not present in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days without transacting any business, and if within three days, stockholders having a majority of the stock do not attend such meeting, then the said meeting shall be dissolved.

Regular  
meeting.

Sec. 10. At the regular meeting of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the said company; and at any meeting called of the stockholders, a majority of those present in person or by proxy, may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required, and at all general meetings of the stockholders owning a majority of all the stock in said company, may remove from office any president or any of the directors of said company, and elect other directors in their stead.

Compensation of officers.

Sec. 11. The president and directors, or a majority of them, shall have power to appoint, contract with and determine the compensation of all such officers, engineers, agents, and servants whatsoever, as they may deem necessary for the transaction of the business of the company, and remove them at pleasure; and the said president and directors, or a majority of them, shall have power to determine the manner and evidence of the transfers of the stock of said company; and they shall have power to pass all by-laws which they may deem necessary for carrying into execution all the powers vested in the company hereby incorporated: *Provided*, Such by-laws shall not be contrary to the constitution or laws of the United States or of this state.

To keep  
dam in re-  
pair.

Sec. 12. The president and directors of said company shall be, and they are hereby invested with all the privileges and powers necessary for the location, construction and keeping in repair said dams, canals and locks, aforesaid; and the said president and directors, or their agents, or those with whom they may contract for making said dams, locks, canal, and clearing out of said rivers or any part of them, may enter upon, use and excavate any land which may be wanted for the purpose of improving the navigation of said rivers, or any other purpose which is necessary in the construction and repair of said dams, locks and canal, so soon as the amount of

compensation therefor is ascertained and tendered, as hereinafter provided.

Sec. 13. If the president and directors of said company shall neglect or refuse to keep in good order and repair any dam, lock or sluice of their own construction, or shall neglect to remove any obstacle which may occur therein, so that boats, barges, rafts or vessels cannot at all times safely navigate said river, when the same is not prevented by ice or other unavoidable cause, they shall for every such offence, pay to the party aggrieved, the sum of twenty-five dollars, to be recovered by action of debt before any court having competent jurisdiction. Penalty

Sec. 14. If any person or persons shall wilfully and knowingly do any act or thing whereby the navigation shall be impeded, or whereby any dam, lock, gate or engine, machine or device therein belonging, or any machinery or property of the company shall be injured or damaged, he, she, or they so offending, shall forfeit and pay to the company double the damages by them sustained, together with cost to be recovered by action of debt before any court of competent jurisdiction.

Sec. 15. Nothing herein contained shall be so construed as to authorize said company to destroy, or in any way impair any right or privilege which may have been granted to individuals by any act or acts of this state heretofore passed, for the purpose of erecting mill dams in said river; and if it should be necessary to alter any dam so erected, or alter any lock or sluice therein to correspond with the other improvements of said company, and adapt the same to the purposes intended in this act, and such alteration is opposed by the mill owners who erected said dam, lock or sluice, the damages for any such alteration shall be first ascertained and tendered to such owners as hereinbefore provided, before such alteration shall be made: *Provided*, That on any such alteration of any dam, lock or sluice being made by said company, the owner of such dam shall be entitled to all the water power created by such alteration; and in the estimate of damages as aforesaid, the increase, if any, to the water, shall be taken into consideration in making such estimate; but in no case shall any estimate be made which shall require the owner of any such dam No to impair privileges granted

to pay any sum of money to said company for improvements made to their dams as above provided.

May charge  
tolls

Sec. 16. The President, directors and company, or such person or persons as they shall from time to time appoint, shall have power to charge and receive for tolls in said rivers such reasonable sums as shall be established by the by-laws of the company hereby incorporated, and approved by the legislature; and it shall not be lawful for any other company or any other person or persons, to receive tolls in any portion of said rivers above referred to, or any part thereof, without the license or permission of the said president and directors of said company; and the shares of the capital stock of said company shall be considered personal property, and shall be transferrable agreeably to the by-laws of the said company, and subject to be taken on execution, agreeably to such laws as are, or may hereafter be, in force.

Dividends

Sec. 17. The president or directors shall, at such times as the company by their by-laws may direct, declare and make such dividend as they may think proper of the net profits from the resources of said company, deducting the necessary current expenses; and they shall make such dividend among the stockholders of said company in proportion to their respective shares.

Sec. 18. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act.

Liability

Sec. 19. The stockholders of said company shall be individually liable for all the debts contracted by said company to the amount of the stock owned by each, at the time such contract is made, after the property of the company, liable to execution, has been exhausted.

Sec. 20. The legislature may at any time so far amend this act as to provide for the further improvement of the navigation of said rivers, and to restrain said company from abuse of the powers hereby granted.

Sec. 21. The legislature may at any time hereafter alter, amend or repeal this act.

Approved May 15, 1846.

No. 137.

AN ACT to incorporate the Pontiac and Genesee Railroad Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Horace C. Thurber, Sherman Stevens, Frederick A. Williams, Grant Decker, Charles C. Hascall, Elkanah Parker, Robert Le Roy, Boorman Dennis, William Axford, Enos Goodrich, Oliver Palmer, Gould Davidson and Benjamin Pearson, be, and they are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Pontiac and Genesee Railroad Company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the times and places for taking such subscription.

Sec. 2. The capital stock of said company shall be five hundred thousand dollars, with the privilege of increasing the same to one million of dollars, to be divided into shares of one hundred dollars each; and as soon as five hundred shares of said stock shall be subscribed, the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Pontiac and Genesee Railroad Company, with perpetual succession; and by that name shall be capable of purchasing, holding, selling, leasing and conveying estate, either real, personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned, and no farther; and in their corporate name, may sue and be sued, may have a common seal which they may alter or renew at pleasure, and shall have, enjoy, and may exercise all the powers, rights and privileges which appertain to corporate bodies, for the purposes mentioned in this act.

Sec. 3. Said company hereby created, shall have power to construct a railroad with double or single track, from Pontiac, in the county of Oakland, running north westerly, through the village of Fentonville, to the village of Flint, in the county of Genesee, with a branch of the same running to some suitable point in the county of Shi-

wassee, also, a branch of the same from the village of Genesee to Saginaw City, in the county of Saginaw, with power to take, transport and carry property and persons upon the said Pontiac and Genesee railroad and branch, or any part herein authorized to be constructed, by the power and force of steam, of animal, or of any mechanical or other power, or of any combination of them.

When to  
commence.

Sec. 4. If said corporation shall not within three years after the passage of this act, commence the construction of the said road, and shall not within ten years from the passage of this act construct, finish and put in operation the whole of said railroad, then the rights, privileges and powers of said corporation shall be null and void as far as it regards such part of said road as shall not be finished within the periods limited by this act.

Meeting. ]

Sec. 5. Whenever five hundred shares of the capital stock shall have been subscribed, if within three years from the passage of this act, the commissioners shall call a meeting of the subscribers at such time and place as they may appoint, by giving thirty days public notice of such meeting, and shall lay the books of subscription before the subscribers then present, and thereupon the said stockholders or a majority of them shall elect seven directors by ballot, a majority of whom shall be competent to manage the affairs of the said company; and said directors are empowered to elect one of their number president, and on all occasions, when a vote of the stockholders is to be taken, each and every share shall entitle the holder thereof to one vote, either by himself in person, or by proxy.

Directors,  
chosen an-  
nually.

Sec. 6. To continue the succession of president and directors of said company, seven directors shall be chosen annually on the first Monday in October, at such place as may be appointed by the directors; and if any vacancy shall occur by death, resignation or otherwise, of any president or director before the year for which he was elected shall have expired, such vacancy for the remainder of the year, may be filled by the directors of said company, or a majority of them. The president and directors shall hold their office until a new election of president and directors. All elections which are by this act, or by the by-laws of this company to be made on any particular day, may be made at any time within sixty days thereafter, notice of such meeting being given as prescribed in the preceding section.

Sec. 7. A general meeting of the stockholders of said company shall be held annually at the time and place appointed for the election of president and directors; and a meeting may be called at any time during the interval between the said annual meeting, by the president and directors, or by the stockholders owning not less than one-fourth of the whole stock, by giving thirty days notice of the time and place of meeting; and when any such meeting is called by the stockholders, the particular object of such call shall be stated; and if at any meeting thus called, the stockholders having a majority of the stock are not present in person or by proxy, such meeting shall be adjourned from day to day not exceeding three days, without transacting any business; and if within said three days, stockholders having a majority of the stock do not attend such meeting, then the said meeting shall be dissolved. Annual meeting.

Sec. 8. At a regular annual meeting of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the company; and at any meeting of the stockholders, a majority of those present in person or by proxy, may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required; and at all general meetings of the stockholders, the stockholders having a majority of the stock in said company may remove from office any president, or any of the directors of said company, and elect others in their stead: *Provided*, Notice of such intended removal has been given as required by the seventh section. Statement.

Sec. 9. Every president and director of said company, before he acts as such, shall swear or affirm that he will well and truly discharge the duties of his office to the best of his skill and judgment. Oath.

Sec. 10. The said president and directors, or a majority of them, shall have power to appoint, contract with and determine the compensation of all such officers, engineers, agents and servants whatever, as they may deem necessary for the transaction of the business of the company, and remove them at pleasure; and the said president and directors, or a majority of them, shall have power to determine the manner and evidence of the transfers of the stock in the said company; and they shall have power to pass all the by-laws which they may deem necessary for carrying into execution all the power vested Compensation.

in the company hereby incorporated: *Provided*, Such by-laws shall not be contrary to the constitution or laws of the United States or of this state.

May locate  
road.

Sec. 11. The president and directors of said company shall be, and they are hereby invested with all the privileges, rights and powers necessary for the location, construction and keeping in repair said Railroad, not exceeding one hundred feet in width; and the said president and directors, or their agents, or those with whom they may contract for making said road, or any part of it, may enter upon, use and excavate any land which may be wanted for the site of said Railroad or any other purpose which is necessary in the construction or repair of said road or its works, so soon as the amount of compensation therefor is ascertained and tendered as hereinafter provided.

May agree  
with owners  
of land.

Sec. 12. The president and directors of said company may agree with the owner or owners of any land, for earth, timber, gravel, stone, or any articles whatsoever, which may be wanted in the construction or repair of said Railroad, or any of its works, for the purchase or occupation of the same; and if the parties cannot agree, or if the owner or owners of any of them be a femme covert, under age, non compos mentis, or out of the county in which the property wanted may be, application may be made to any justice of the peace of said county, who shall thereupon issue his warrant, directed to the sheriff of said county; or if the sheriff be interested, to some disinterested person, requiring him to summon twelve freeholders in the county, not in any way interested in the matter, or related to the parties, to meet, on or near the property or materials to be valued, on a day named in said warrant, not less than five nor more than ten days after issuing the same; and if, at the same time and place, any of the persons summoned do not attend, the said sheriff or summoner shall immediately summon as many as may be necessary with the persons in attendance as jurors, to furnish a panel of twelve jurors; and from them, each party, his, her or their agent or attorney, or if either be not present in person or by agent, the sheriff or summoner for him, her or them, may strike off three jurors, and the remainder shall act as a jury of inquest of damages; and before they act as such, the sheriff or summoner shall administer to each of them an oath or affirmation that they will justly and impartially value the damages which

Jury to be  
sworn.



the owner or owners will sustain by the use or occupation of the land, materials or property required by said company; and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall be sent to the clerk of the county, and by him filed in his office, and shall be confirmed by the circuit court of said county at its next session, if no sufficient cause to the contrary be shown; and when confirmed, the same shall be recorded by the said clerk, at the expense of said company; but if set aside, said court may direct another inquisition to be taken in the manner above specified. Said inquisition shall describe the property taken or the bounds of land required by said company; such valuation, when paid or tendered to the owner or owners of said property, his, her or their legal representatives, shall entitle said company to the estate and interest in the same, thus valued, as fully as if it had been conveyed by the owner or owners of the same, for such term of time as said company shall occupy the same as a railroad. And if the valuation be not received when tendered, it may at any time thereafter be received from the company without cost; and the sheriff and summoner, and jurors shall be allowed the ordinary fees for like services, to be taxed by the court: *Provided*, That the said company shall not have power to take the land of any person for the purposes of said corporation, until full payment shall have been made or tendered to such person, for all damages assessed to him, together with the costs of said inquisition or assessment.

Sec. 13. Whenever in the construction of said road it shall be necessary to cross or intersect any established road, it shall be the duty of said president and directors so to construct the said railroad across such established road, as not to impede the passage or transportation of persons along the same; or when it shall be necessary to construct it through the land of any individual, it shall be their duty to provide and keep in repair, for such individual, proper wagon ways across said road, from one part of his land to another.

Sec. 14. If said company shall neglect to provide and keep in repair proper wagon ways across said road as required by this act, it shall be lawful for any individual to sue said company, and he shall be entitled to such damages as a court or jury may think him or her entitled to for such neglect or refusal on the part of said company.

May connect  
road with  
other roads.

Sec. 15. If it shall be necessary for said railroad company in the selection of the route or construction of said road to be by them laid out and constructed, or any part of it, to connect the same with any turnpike, road or bridge made or erected by any incorporated company, or authorized by any law of this state, it shall be lawful for said president and directors to contract with any other corporation for the right to use such road or bridge, or for the transfer of any of the corporate or other rights and privileges of said corporation to the said company hereby incorporated; and every such other corporation acting under the laws of this state, is hereby authorized to make such contract or transfer by and through the agency of the person authorized by the respective acts of incorporation to exercise their corporate powers, or by any persons who are by any law of this state entrusted with the management and direction of such turnpike, road or bridge, or any of the rights and privileges aforesaid; every contract or transfer made in pursuance of the power and authority herein granted, when executed by the several parties, under their respective corporate seals, shall vest in the company hereby incorporated, all such rights and privileges, and the right to use and enjoy the same as fully as they are now used and enjoyed by the said corporation in which they are now vested.

May charge  
for transportation.

Sec. 16. The said president and directors shall have power to purchase with the funds of the company, and place on any railroad constructed by them under this act, all machines, wagons, carriages or vehicles of any description, which they may deem necessary or proper for the purpose of transportation on said railroad, and they shall have power to charge for tolls and transportation such reasonable sums as shall be established by the by-laws of the company hereby incorporated; and it shall not be lawful for any company or any other person or persons to transport any passengers, merchandize or property of any description whatever, on said road, or any part of it, without the license or permission of said president and directors of said company; and the said road with all its improvements, works and profits, all machinery used on said road for transportation, are hereby vested in said company incorporated by this act, and their successors forever; and the shares of the capital stock of said company shall be considered personal property, and shall be transferable agreeably to

the by-laws of said company, and subject to be taken on execution agreeably to such laws as are or may hereafter be in force. The right and privilege is hereby reserved to this state, or any company hereafter to be incorporated under the authority of this state, to connect with the road hereby provided for, any other railroad leading from the main route to any part or parts of this state: *Provided*, That in forming such connection no injury shall be done to the works of the company hereby incorporated; and the said company or companies so connecting may have the free use of said road by paying the ordinary tariff of tolls established for said road; and this incorporation shall be entitled to the same rights and privileges to any and all roads hereafter connected.

Shares considered personal property.

Sec. 17. The president and directors shall annually or semi-annually declare and make such dividend as they may think proper of the net profits from the resources of said company, deducting the necessary current expenses; and they shall make such dividend among the stockholders of said company in proportion to their respective shares.

Dividends.

Sec. 18. If any person or persons shall wilfully, knowingly and maliciously remove a stake, alter, deface or injure, in any manner, any bench, stake or fixture, set by an engineer, superintendent or other person in the employ of said company, or by any means injure, impair or destroy any part of the said road constructed by the said company under this act, or any of the necessary works, buildings or machinery of said company, such person or persons so offending, shall each of them, for every such offence, forfeit and pay to the said company a sum not exceeding five times the amount of damages caused by such offence, which may be recovered, in the name of the company, by an action of debt, in any court having competent jurisdiction in the county wherein the offence was committed.

Penalty for injuring road

Sec. 19. Said company shall at all times, if required by the post office department, transport the United States mail upon said road, as often as their cars shall pass the same, not exceeding twice in each day, for such compensation as shall be agreed upon by said company and the said department, not exceeding the average price paid by said department for the transportation of the mail in post coaches, three times per week for a like distance upon the several post roads in the state: *Provided*, Nothing herein contained shall be construed

Transport mail.

to require any of the vehicles of said company to wait at any office for the change of mail.

May lease  
road.

Sec. 20. The president and directors of said company, or a majority of them, shall have power, and the same is hereby granted them, of leasing, mortgaging or selling said works, or any part of them, for the purpose of raising means to prosecute the work.

State may  
purchase  
road.

Sec. 21. It shall be lawful for the state of Michigan, at the end of twenty years to take possession of said road, with the machinery and property of said company, and convert the same into state property by paying to the stockholders the cost of investment with ten per cent. interest thereon.

Annual tax.

Sec. 22. The said company shall pay to the state an annual tax of one half of one per centum upon the capital stock paid in, until the first day of February, eighteen hundred and fifty-one, and thereafter an annual tax of three fourths of one per cent. upon its capital stock paid in, and also upon all loans made to said company, for the purpose of constructing said rail road, which tax shall be paid in the last week in January in each year, to the state treasurer; and the property and effects of said company, whether real, personal or mixed, shall, in consideration thereof, be exempt from all and every other tax, charge and exaction by virtue of any laws of this state now or hereafter to be in force, except penalties by this act imposed.

Individual  
property li-  
able to be  
taken on ex.

Sec. 23. The property of every individual vested in said company shall be liable to be taken in execution for the payment of his or her debts, in such manner as is or may be prescribed by law; and in collection of debts against said company, if property of the company sufficient to satisfy the same be not found, the capital stock of each individual thereof shall be subject to levy and sale upon execution against the company; and in case the whole of such property and stock shall be insufficient to pay such debt, each individual shall be liable to the amount of stock by him owned, and actually paid in, as the same shall, at the time of such levy upon stock, appear by the books of said company.

Sec. 24. The state shall have a lien upon the rail road of said company, and its appurtenances and stock thereon, for all penalties, taxes and dues which may accrue to the state from said company.

which lien of the state shall take precedence of all other debts or demands, judgments or decrees against said company.

Sec. 25. The legislature may at any time hereafter, alter, amend or repeal this act by a vote of two-thirds of each house.

Approved May 15, 1846.

No. 138.

AN ACT to amend an act entitled "an act to amend an act entitled an act to prescribe the powers and duties of justices of the peace in civil proceedings, approved April ninth, one thousand eight hundred and forty-one," approved March twenty-fourth, one thousand eight hundred and forty-five.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act entitled "an act to amend an act entitled an act to prescribe the powers and duties of justices of the peace, in civil proceedings, approved April ninth, one thousand eight hundred and forty-one," approved March twenty-fourth, one thousand eight hundred and forty-five, be, and the same is hereby amended, by adding at the end of section one of said act, to stand as a part of said section, as follows: Act amend'd

"Fourth. Where judgment for the defendant or of nonsuit has been rendered."

Sec. 2. Section three of said act is hereby amended by adding thereto the following proviso, to stand as a part of said section: "*And provided further*, That in cases arising under the fourth subdivision of section one of said act, as hereby amended, the plaintiff may appeal from such judgment by presenting to such justice within five days after the rendition of such judgment an affidavit made by himself, his agent or attorney, alleging that such judgment is not in accordance with the just rights of the party so appealing, as the person making such affidavit verily believes, and otherwise complying with the requisitions of the act hereby amended.

Sec. 3. This act shall take effect and be force from and after its passage.

Approved May 15, 1846.

## No. 139.

AN ACT to provide for the preservation of the Clinton and Kalamazoo Canal.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Board of Internal Improvement be, and they are hereby authorized to make such repairs on the Clinton and Kalamazoo Canal as are absolutely necessary to preserve the work from dilapidation until such time as the said work can be leased agreeably to existing provisions of law: *Provided*, That no expenditure shall be made on said canal, in repairs or otherwise without the approval of the Governor first obtained: *And provided*, That all payments made by virtue of this act, shall be by drawing a land scrip in the usual form without interest, to an amount not exceeding three thousand dollars.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved May 15, 1846.

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No. 140.

AN ACT to authorize Henry Shaw Noble to convey certain real estate.

*Whereas*, Joseph G. Navarre has heretofore conveyed by deed, duly executed, and of record, to Henry Shaw Noble, a minor, under the age of twenty-one years, the following described lands, to wit: That tract situate in the city of Monroe, Michigan, bounded on the west by Washington street, on the south by lands owned formerly by Robert G. Clark, and on the north by the south line of the old village plat of Monroe, of record, and on the east by Macomb street, in exchange for the lands hereinafter described.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Henry Shaw Noble, a minor, be, and he is hereby authorized and empowered, under the supervision and approval of the judge of probate for the county of Monroe, to release and convey by deed under his hand and seal to Joseph G. Navarre, his heirs or assigns, the following described tract of land

to wit : That tract of land situate in the city of Monroe, Michigan, bounded on the east by lands owned by Joseph G. Navarre, formerly known as the Colonel Navarre farm, on the north by lands owned by said Joseph G. Navarre, on the south by the south line of what is known as the Clark lot, separating this tract from the lands now or lately owned by the estate of Doct. Worthington, and on the west by the centre of Macomb street, or by a line which would form the centre of Macomb street if said street were extended in the same direction across the premises last above described. And such conveyance shall be as valid and effectual in law to all intents and purposes whatever, as if Henry Shaw Noble were at the time of said conveyance of the full age of twenty-one years.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved May 15, 1846.

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No. 141.

AN ACT to authorize the township of Pewonagawink to hold a township meeting therein and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the first township meeting for the township of Pewonagawink, in the county of Genesee, may be held at the house of George Wilcox, in said township, on the first Tuesday of May next, any law to the contrary notwithstanding.

Sec. 2. The election of such officers and the transaction of such other business on the day in this act for that purpose mentioned, shall be as valid and legal as if the same had been elected and transacted on the day required by existing laws.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved May 15, 1846.

## No. 142.

AN ACT to authorize Almira Brokaw to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That* Almira Brokaw, of the township of Ypsilanti, in the county of Washtenaw, be and she is hereby authorized to sell and convey the following described land to wit: The west half of the northeast quarter of section twelve, in township one, (1) north of range two (2) east: *Provided*, It shall be made to appear to the satisfaction of the judge of probate for the county aforesaid that the above described land is the property of the children of the said Almira Brokaw, and that it is necessary for their support to make such sale.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved May 15, 1846.

## No. 143.

AN ACT to amend chapter one, title two, part one of the Revised Statutes, in relation to the time of holding the General Election.

General elections. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That* all after the word "year" in the second line of section one, of title two, part one of the Revised Statutes be stricken out, and said section amended so as to read as follows: "There shall be held an election in the several townships of this state in each year, on the first Tuesday of November, which shall be the general election.

Approved May 16, 1846.

## No. 144.

AN ACT to amend an act entitled "an act relative to the city of Detroit."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That* it shall be lawful for the com-



mon council of the city of Detroit to regulate and license porters, cartmen and draymen, owners and keepers of livery stables, hackney coaches, carts, drays, and carriages of every description, used or employed for hire or reward, in the said city, and also to fix and regulate the amount and rates of such hire or reward, and to impose and enforce penalties for the violation of such regulations, not exceeding twenty-five dollars, besides costs, on any one person for any one offence: *Provided*, the said common council shall license all persons applying therefor for the purposes mentioned in this act, if they shall be satisfied such applicant is trustworthy, and may at any time revoke such license for any violation of the provisions thereof.

Approved May 16, 1846.

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No. 145.

AN ACT to authorize the supervisors of the county of Ionia to build a free bridge across Grand River, at the village of Lyons.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the supervisors of Ionia county be, and they are hereby authorized to build a free bridge across Grand River, in the village of Lyons, in said county. Supervisors authorized to build bridge.

Sec. 2. That two thousand acres of internal improvement lands upon the Lower Peninsula, be, and the same is hereby appropriated Appropriation for the purpose of building said bridge. The said supervisors may select said land and report it to the commissioner of the land office, who shall reserve it for the purpose above stated, and shall issue certificates therefor in quantities not less than eighty acres, after the said bridge shall have been completed: *Provided*, it is finished within two years from the passage of this act; the certificates not to be issued until the sheriff of the county of Ionia shall certify to the commissioner of the land office that said bridge is completed, and the amount of the certificates shall not exceed the cost of the bridge: *And provided further*, That such land shall not be selected until the same shall first have been offered for sale at public auction.

Approved May 16, 1846.

No. 146.

AN ACT to provide for laying out and establishing all state and territorial roads heretofore laid out or to be hereafter located within this state.

May alter  
state road

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the board of supervisors of the several counties within this state are hereby authorized and empowered to cause to be laid out, established, altered, discontinued, or opened all state and territorial roads heretofore or now laid out or hereafter to be laid through or within their respective counties whenever they may deem it for the interest of the public.

Duty of  
com'rs

Sec. 2. Whenever the board of supervisors of any county are petitioned to by at least twelve freeholders of each of the townships through which any such road or roads may pass, they shall upon such petition authorize the commissioners of highways of such townships to cause the line of said road or roads within their respective townships to be surveyed and located therein, and such commissioners shall report such survey and location to the board of supervisors of their county, and upon examination of said survey and report, said board may declare such road or roads duly laid out, established, discontinued, opened or altered as the case may be: *Provided*, That said board shall deem the laying out, establishing, altering, discontinuing or opening said road or roads for the interest of the public.

To furnish  
town clerks  
with minutes

Sec. 3. Whenever said road or roads shall be surveyed, laid out, altered or established, under the provisions of this act, it shall be the duty of the board of supervisors to whom such petition and report may have been made as aforesaid, to notify and require the commissioners of highways of the several townships through which said road or roads may pass to furnish to the several township clerks of such townships, the minutes of all surveys, within their respective townships and the same shall be recorded by said clerks in the same manner that township roads are recorded.

Damages

Sec. 4. Any person feeling himself aggrieved by the laying out, altering, discontinuing or opening of any road or roads, may have his damages appraised, and obtain the same in the same manner and under the restrictions made and provided relative to township roads.

Sec. 5. In laying out, discontinuing, establishing, altering or open-

ing any road under the provisions of this act, the counties through which said road or roads may pass, shall be liable for all damages or expenses incurred in the same manner as is provided for laying out township roads.

Approved May 16, 1846.

No. 147.

AN ACT to provide for organizing an active Militia, and for other purposes.

CHAPTER 1.

PERSONS SUBJECT TO MILITARY DUTY.

*Be it enacted by the Senate and House of Representatives of the State of Michigan, Section 1.* That all able bodied white male inhabitants between the ages of eighteen and forty-five years, residents of this state, and not exempted from serving in the militia, by the laws of the United States and of this state shall be subject to military duty.

Persons sub-  
ject to mili-  
tary duty.

Sec. 2. In addition to the persons exempted by the laws of the United States, the following shall be exempted from military duty:

Additional  
persons ex-  
empt.

1. All firemen, as provided in chapter forty-eight title nine;
2. All members of independent volunteer companies, who have served as such, armed, uniformed and equipped for the term of six years from the time of their enrollment except in cases of insurrection or invasion;
3. Ministers and preachers of the gospel.

Also the following persons shall be exempted from military duty, but such exemption shall not excuse them from the payment of the tax in this act imposed.

1. Judges of the supreme court, county and probate courts;
2. The Secretary of State, State Treasurer and Auditor General;
3. The members and officers of the Legislature during its session, and for fifteen days before and after each session;
4. Teachers of schools and other seminaries of learning;
5. All ferrymen and millers actually employed as such;
6. All officers and guards of the state prison;

7. All commissioned officers who have served as such in the militia of this state, or in that of any of the United States, equipped and in uniform for the term of five years.

## CHAPTER 2.

### OF THE ENROLLMENT OF PERSONS SUBJECT TO MILITARY DUTY.

Section 1. The commanding officer of each company of militia shall, from time to time, enroll all persons within the limits of his company who may be subject to military duty, and shall, without delay, notify such persons of their enrollment.

Sec. 2. Every commanding officer shall appoint by warrant, the non-commissioned officers of his company, and may enroll as musicians in his company, at least two, and not more than five persons residing in his beat; and the persons so enrolled shall perform the duty of musicians in such company, instead of serving as privates, and shall be subject to the same fines and penalties as privates.

Appointment  
of officers,  
&c.

Sec. 3. The militia of this state liable to do military duty, and so enrolled, shall be called the enrolled militia.

## CHAPTER 3.

### ORGANIZATION.

May arrange  
brigade.

Section 1. The commander-in-chief may arrange, alter, divide, annex and consolidate the divisions, brigades, regiments, battalions, squadrons, troops and companies in such manner as in his opinion the proper organization of the same shall require.

Sec. 2. Each division shall consist of at least two brigades; each brigade of at least two regiments, and each regiment of ten companies, and each separate battalion of at least four companies.

May divide  
and alter  
bounds.

Sec. 3. That the commanding officer of any brigade, with the approbation of the commanding officer of his division, may divide, annex, or alter the bounds of the several regiments or separate battalions under his command, and the commanding officer of any regiment or separate battalion, with the approbation of the commander of his brigade, may divide, annex, or alter the bounds of the several companies under his command; but no alteration made by virtue of this section, shall be of any force until the same shall have been submitted to the commander-in-chief and approved by him.

Sec. 4. The number, name and limits of each division, brigade,

regiment, separate battalion and company, and every alteration thereof, shall be registered in the office of the adjutant general.

#### CHAPTER 4.

##### OFFICERS OF THE MILITIA.

Section 1. The commander-in-chief may appoint four aids with the rank of colonel, and one private secretary, with the rank of major. Commander in-chief to appoint aids The several staff departments shall be arranged as follows:

1. In the adjutant general's department, there shall be an adjutant general, with the rank of brigadier general; and in his department there shall be to each division, a division inspector, with the rank of lieutenant colonel; and to each brigade, a brigade inspector, to serve also as a brigade major, with the rank of major: and to each regiment and separate battalion, an adjutant with the rank of lieutenant;

2. In the quarter master general's department, there shall be a quarter master general, with the rank of colonel; and in his department there shall be a division quarter master, with the rank of major; to each brigade, a brigade quarter master, with the rank of captain; and to each regiment and separate battalion, a quarter master, with the rank of lieutenant;

3. There shall be a judge advocate general, with the rank of colonel; to each division a division judge advocate, with the rank of major; and to each brigade a brigade judge advocate with the rank of major;

4. In the paymaster's department to each division, a division paymaster, with the rank of major; to each brigade, a brigade paymaster, with the rank of captain; and to each regiment and separate battalion, a paymaster, with the rank of lieutenant;

5. In the hospital department, to each regiment and separate battalion, one surgeon and one surgeon's mate;

6. To each division, a major general and two aids, with the rank of major.

7. To each brigade, a brigadier general and one aid, with the rank of captain.

8. To each regiment, one colonel, and to each regiment and separate battalion, one lieutenant colonel, one major, one adjutant, with the rank of lieutenant; one chaplain, one sergeant major, one quarter master serjeant, one drum major, one fife major;

9. To each company, one captain, one first lieutenant, two second

lieutenants, four sergeants, four corporals and one clerk, to each volunteer company.

**Chief of staff department to have command.**  
 Sec. 2. The chief of each staff department, including the judge advocate general, shall, under the direction of the commander-in-chief, have command over all subordinate officers in his department, and shall, from time to time, issue orders and instructions for their government and practice, and shall prepare and transmit, at the expense of the state, all needful blank forms of returns, precepts, warrants, and proceedings in their respective departments.

## CHAPTER 5.

### APPOINTMENTS.

**Appointm't of officers.**  
 Section 1. The officers of the enrolled militia shall [be appointed as follows:

1. Major and brigadier generals, quartermaster and judge advocate generals, the aids of the commander-in-chief, the private secretary, colonels, lieutenant colonels and majors of regiments and separate battalions, captains and lieutenants of companies of the enrolled militia shall be appointed by the commander-in chief;

2. Division inspectors, division quarter masters, division judge advocates and aids to major generals shall be appointed by the major generals;

3. Brigade inspectors, brigade quarter masters, brigade judge advocate and aid to brigadier general, shall be appointed by brigadier generals;

4. Adjutant, quartermaster, surgeons, surgeon's mate, sergeant majors, sergeant quartermasters, drum and fife majors shall be appointed by commandants of regiments;

5. Captains of companies may appoint sergeants and all other subordinate officers of companies of the enrolled militia.

Sec. 2. Whenever the office of major general, brigadier general, colonel or captain shall become vacant, or such officer shall be sick absent or under arrest, the officer next in rank shall command the division, brigade, regiment or company, until such vacancy be supplied.

## CHAPTER 6.

### OFFICERS HOW QUALIFIED.

Section 1. All officers of and above the rank of lieutenants shall

be commissioned by the commander-in-chief; every non-commissioned officer warrant of the regimental staff, shall be given and signed by the commanding officer of his regiment; every non-commissioned officer warrant of the company, shall be given and signed by the commanding officer of his company.

Sec. 2. Every person who shall be commissioned to any office, shall, within ten days after such commission shall be tendered to him, or within ten days after he shall be notified that the same is held in readiness for him by a superior officer, take and subscribe the oath required by the constitution, before some general or field officer, who shall have previously taken and subscribed the same, and who is hereby authorized to administer such oaths, and in case of neglect or refusal to take such oath within the time mentioned, he shall be deemed to have resigned said office; such neglect or refusal shall be no excuse for neglect of duty until another shall be duly elected in his place.

Sec. 3. The foregoing oaths shall be printed and subscribed upon the back of each commission, and a certificate signed by the officer before whom such oaths are taken, that the above oaths were taken and subscribed before him, with the date thereof.

Sec. 4. The day of the appointment of any officer shall be expressed in his commission, and shall be considered the date of his commission.

Sec. 5. All commissions shall be transmitted to the commanding officers of brigades, and by them within thirty days after received to the commanding officers of regiments, under a penalty of ten dollars for each neglect thereof; the commanding officers of regiments within thirty days after such commissions are received by them, shall notify the officers commissioned that such commissions are in readiness, and that they appear and be qualified within ten days from the date of such notice; and for any neglect to notify as above directed, each officer shall pay a fine of ten dollars.

Sec. 6. All neglects or refusals to be commissioned shall be certified on the back of such commission, and transmitted through the brigadier general to the adjutant general.

## CHAPTER 7.

### THE DUTIES OF OFFICERS.

Section 1. The adjutant general shall issue, sign and transmit all

**To transmit orders.** general orders of the commander-in-chief, whether of detail, instruction or movement of the militia, and all general regulations, which may be established, and obey all orders from him relative to carrying into execution the laws of the United States, and this act, and perfecting the system of military discipline established by law.

**Correspondence.** Sec. 2. He shall be charged with all the correspondence between the commander-in-chief and officers of the several states and territories, the secretary of war, the adjutant general of the army, and other persons in official stations, on the subject of militia affairs, and keep a record of such correspondence.

**Record** Sec. 3. He shall keep a record of all general and special orders and regulations, and cause the same to be published whenever the commander-in-chief shall direct.

**Roster** Sec. 4. He shall keep a roster of all the commissioned officers of the militia of this state, with their residence, rank, the corps to which they belong, the number and date of their commissions, and the time when issued, the number and date of all discharges, removals, deaths and promotions.

Sec. 5. He shall enter of record a local description of the several divisions, brigades, regiments and companies, and every alteration thereof.

Sec. 6. He shall make out and issue all commissions and discharges directed by the commander-in-chief.

**Exemption** Sec. 7. Every member of a volunteer company, who, during the preceding year has performed military duty as required of him by law, shall, for the year next succeeding the performance of such duty, be exempt from serving on juries, and from the payment of any tax assessed against his person for labor on highways.

Sec. 8. He shall prepare and provide the necessary rosters and books of record; the forms and blanks for commissions, discharges, returns and other papers required by the laws and customs of this state, at the expense of the state, and distribute the same through the brigadier generals to the officers and companies entitled to them, upon a requisition therefor.

**To make return** Sec. 9. He shall make a return in duplicate of all the militia of the state, with the arms, accoutrements and ammunition; one copy of which he shall deliver to the commander-in-chief, on or



before the first day of December, and transmit the other to the President of the United States, on or before the first day of January, annually.

Sec. 10. The division inspector shall record all orders received by the major general from the commander-in-chief, and all orders made <sup>To record orders</sup> by the major general, and shall execute all orders from superior officers, and he shall attend all reviews when the major general shall review any corps of the militia.

Sec. 11. The brigade inspector of each brigade shall constantly <sup>Roster</sup> keep a correct roster of the brigade to which he belongs, and shall record all orders received by the brigadier general from the commander-in-chief, and other superior officers, all orders made by the brigadier general, and all returns received from the regiments and separate battalions in his brigade.

Sec. 12. He shall annually, when required, transmit to the adjutant general, his records, roster and files, to be inspected by him.

Sec. 13. He shall execute all orders received from the brigadier <sup>To execute orders</sup> general or other superior officer, and shall attend the regimental and battalion drills and reviews within his brigade during the time of their being under arms, to inspect their arms, ammunition and accoutrements, superintend the exercise and manœuvres, and to introduce the system of discipline prescribed by law; and on the days of drill shall by himself or some person of skill whom he shall appoint, take command as drill officer so far as shall be necessary to the execution of those duties. (Act of Congress, 1792.)

Sec. 14. He shall within thirty days after the annual review, transmit to the adjutant general, a statement, particularly specifying the <sup>Transmit statement</sup> appearance and condition of each corps in the several regiments and separate battalions within his brigade.

Sec. 15. He shall, within ten days after the expiration of the time limited for making returns of the force, arms and equipments, &c., by the adjutants of the several regiments or separate battalions in his brigade, record and transmit the same to the adjutant general, or certify the names of such officers who have failed to make such return.

Sec. 16. He shall distribute to the several adjutants all books of record, rosters, blanks and orders received from the adjutant general. <sup>Distribution of books</sup>

Duty of adjutant.

Sec. 17. It shall be the duty of the adjutant of each regiment or separate battalion constantly to keep a correct roster of the commissioned and non-commissioned officers of his regiment or separate battalion, their residence, rank, the corps to which they belong, the date of their commissions or warrants, and the time when issued; the dates of all discharges, removals, deaths and promotions.

Sec. 18. He shall enter of record a local description of the regiment, and the several companies, or separate battalions, and every alteration thereof.

Sec. 19. He shall make out and issue all the warrants and discharges of non-commissioned officers, directed by his commanding officer.

Sec. 20. He shall distribute all books of record, blanks and other papers, received from the brigade inspector, to the clerks of companies.

Sec. 21. He shall record all orders received from the brigadier general of his brigade, and other superior officers, and all orders issued by the commanding officer of the regiment or separate battalion.

To receive returns

Sec. 22. The adjutant of each separate battalion of active militia shall receive from the clerks of the several companies of his battalion, the annual returns of all the officers and privates, arms and accoutrements and public property of the several companies, and keep the returns on file. And he shall annually make out a consolidated return of the strength, arms and accoutrements and public property of such companies, and transmit the same to the brigade inspector on or before the first Monday of November.

To keep ordnance &c in repair

Sec. 23. The quarter master general shall keep in good repair, and attend to the due preservation, safe keeping and cleaning of the ordnance, arms, accoutrements, ammunition, munitions of war, and implements of every description, the property of this state, and he shall at all times have the control and disposition of the same for that purpose.

To dispose of powder &c

Sec. 24. He shall dispose, to the best advantage, of all powder, arms, ammunition, accoutrements, tools, implements and warlike stores of every kind, the property of the state, that shall be deemed unsuitable for the use of the state; and, from time to time, render a

just and true account of all sales made by him, and shall pay the proceeds of such sale into the treasury.

Sec. 25. He shall report annually, on or before the first day of December, to the commander-in-chief a true and particular statement <sup>Report.</sup> shewing the actual situation and disposition of the ordnance, arms, ammunition and other munitions of war, property and things, which in any wise appertain to, or respect the department, confided to his keeping.

Sec. 26. He shall also make return, annually, on or before the first day of December, to the commander-in-chief, of the ordnance, <sup>Return.</sup> apparatus, arms, ammunition, stands of colors, musical instruments and other military property, distributed to each regiment of the militia, and the condition thereof.

Sec. 27. He shall, from time to time, give such instructions to the <sup>Instructions</sup> division, brigade and regimental quarter masters, as shall be necessary for the proper and faithful discharge of the duties of his department.

Sec. 28. It shall be the duty of the division quarter master to record all orders received by the major general, relative to the duties of <sup>Duty of division quarter master.</sup> the quarter master general's department, and to execute all orders when thereto required by the chief of his department; and to attend the major general whenever he shall review any part of the militia.

Sec. 29. It shall be the duty of the brigade quarter master to record all orders received from the major general, and all orders made <sup>Duty of brigade quarter master.</sup> by the brigadier general, relative to the duties of his department, and to execute all orders of superior officers, and of the chief of his departments when thereto required; and to attend the brigadier general whenever he shall review any part of the militia.

Sec. 30. It shall be the duty of the regimental or battalion quarter master to record and execute all orders received from the <sup>Duty of regimental or battalion quarter master.</sup> commandant of the regiment or battalion and other superior officer, relative to the duties of his department, and all instructions received from the chief of his department.

Sec. 31. The judge advocate general shall, upon the complaint of <sup>To make out charges.</sup> any officer, or when directed by the commander-in-chief, make out in proper form, regular charges and specifications against any staff

officer of the commander-in-chief, or any officer above the rank of brigadier general, and attend to all other duties required by law.

Sec. 32. The division judge advocate shall, upon the application of any officer, or when directed by the commander-in-chief, make a regular complaint by proper charges and specifications, against any officer above the rank of captain, and attend to all other duties required by law.

Sec. 33. The brigade judge advocate shall upon the complaint of any officer, or when directed by the commander-in-chief, make out a complaint by proper charges and specifications, against any commissioned officer below the rank of field officer, and attend to all other duties required by law.

Sec. 34. The several major generals shall execute all orders received from the commander-in-chief; and from time to time shall issue such orders as may be necessary for the proper regulation of their respective divisions, not inconsistent with the laws of this state or of the United States, and cause all orders received and issued by them to be recorded by the division inspector.

Major gen-  
erals to ex-  
ecute orders

Sec. 35. The several brigadier generals shall execute and cause to be recorded all orders received from the commander-in-chief or other superior officer, and from time to time issue such orders as shall be necessary for the proper regulation and government of their respective brigades, not inconsistent with the laws of this state, or of the United States.

To attend  
reviews.

Sec. 36. The aids of the commander-in-chief, major generals and brigadier generals shall attend all reviews and military meetings at which their respective commanding officers shall be present, and execute all orders received from such officers respectively.

To cause  
orders to be  
obeyed.

Sec. 37. The colonel of each regiment, and the lieutenant colonel of each separate battalion, shall execute and cause to be obeyed and recorded all orders received from the brigadier general or other superior officer, and attend all drills, reviews and military meetings, when ordered by the brigadier general.

Sec. 38. The lieutenant colonel shall be subject to the colonel in all matters pertaining to military orders, discipline, duties and usages.

Sec. 39. The major shall be subject to the colonel and lieutenant colonel in all matters of military orders, discipline, duties and usages.

REGIMENTAL STAFF.

Sec. 40: The surgeon or assistant surgeon of the enrolled militia shall examine all applicants for exemption from military duty, <sup>To examine applicants.</sup> by reason of sickness, disease, injury or any defect whatever. And when the disease, injury or defect of such applicant shall be apparent and permanent, they shall give him a certificate certifying the name of such disease, injury or defect, and its effects, and that he is permanently disabled from doing military duty, and the date of such certificate shall be affixed thereto—which certificate shall be sufficient evidence upon which to disenroll such applicant.

Sec. 41. The sergeant majors and sergeant quarter masters shall <sup>To execute orders.</sup> execute all orders of the commanding officer of the regiment, and notify and warn all officers when directed by such commanding officer.

Sec. 42. The fife major shall have charge of the fifers, and the drum major shall have charge of the drummers of the regiment or <sup>Fife major.</sup> separate battalion, and shall respectively teach the musicians under their command the several signals and evolutions prescribed by military tactics and usages.

Sec. 43. The commandant of each company of enrolled militia shall enroll every citizen liable to do military duty, who shall reside <sup>To enroll citizens.</sup> within the limits of his company, and all those who shall, from time to time come to reside within his bounds, and become liable to do military duty, and shall without delay cause such citizens to be notified of such enrollment by a proper non-commissioned officer, by whom such notification may be proved, and annually review and correct such enrollment; and he shall execute and cause to be recorded all orders of the commandant of the regiment or other superior officer, and also all orders issued by him to be recorded.

Sec. 44. The commandant of each company of volunteer militia shall execute all orders received from the commandant of the battalion or other superior officer, and cause all such orders and all company orders to be recorded by the clerk of the company. He shall cause to be made, by the clerk of the company, a full and complete return annually of the names of the officers and privates of his company, the arms, uniforms and equipments of each, the musical instruments and the public property of the state in his care. <sup>To execute orders.</sup>

Warnmen-  
bers.

Sec. 45. He shall warn or cause to be warned all the members of his company when required by this act, or by the order of his superior officer, and a regular return to be made on all company orders.

Duty of  
clerk.

Sec. 46. It shall be the duty of the clerk of each company to issue, sign, and distribute all orders of the commandant of the company to the non-commissioned officers, and to record all orders received from the commandant of the regiment or separate battalion, and all company orders.

Sec. 47. He shall keep a fair and exact roll of the company, under the direction of the captain, with the name of each officer and private, his uniform, arms and equipments, in the form prescribed by the adjutant general, and shall revise and correct the same, as the state of the company may require.

Sec. 48. He shall keep a full and correct orderly book under the direction of the captain, in which shall be recorded all orders and company proceedings, and exact details of all drafts and detachments.

Sec. 49. He shall annually make out under the direction of the captain, a full and complete return of the public property in possession of the company, the names of all the officers and privates, their uniform, and every article of their equipments, the number of members present and absent, and the aggregate as inspected at the annual rendezvous or encampment in June, and transmit the same to the adjutant during the said month.

May appoint  
clerk pro  
tem.

Sec. 50. In the absence, sickness, or other inability of the clerk, the captain may appoint a clerk *pro tempore*, who shall discharge all the duties and be subject to all the penalties of the clerk for the time being;

Orders.

Sec. 51. The non-commissioned officers of the company shall execute all orders of the captain or other superior officer, warn all officers and privates when ordered so to do, and make a return on such orders in what manner each individual was warned by them, and return the same to the clerk previous to the training ordered in such warning, and discharge all duties incident to their respective offices.

#### OF MUSICIANS.

Musicians.

Sec. 52. The commanding officer of each separate battalion of volunteer militia may organize a band of musicians not exceeding sixteen in number, and by warrant under his hand, may appoint a

leader of such band. Such musicians shall be subject to the order of such leader, and be under the command of the commanding officer of the separate battalion ; and the whole or any part of said band may be required by such commanding officer to appear at any meeting of the officers for military purposes, and at the rendezvous or encampment of such separate battalion. The commanding officer of such separate battalion shall have authority to disband such band, and revoke the warrant of the leader.

## CHAPTER 8.

### VOLUNTEER UNIFORM MILITIA.

Section 1. The acting militia of this state shall consist of volunteer companies raised within the limits of the several brigades by order of the commandant of brigades or divisions, to be composed of men between the ages of eighteen and forty-five years. What militia to be composed of.

Sec. 2: Such volunteer militia shall first be called into service in case of war or invasion ; to prevent insurrection ; to suppress riots, or to aid the civil authorities in the execution of the laws.

Sec. 3. All volunteer companies and separate battalions now raised, organized and formed according to law shall be retained.

Sec. 4. The several volunteer companies of cavalry, artillery, light infantry and riflemen in each brigade, shall be numbered by the proper commandant of brigade, and a record thereof made to the adjutant general's office ; and when such companies exist to the number of four in any brigade, they shall be organized into a battalion, and officered according to law.

Sec. 5. Commandants of companies, when formed into a separate battalion in any brigade, shall make returns to the commanding officer of such separate battalion, and if not formed into a battalion, shall make returns to the commandant of brigade ; and the commandant of the battalion shall make returns to the commandant of brigade, and the commandant of brigade to the adjutant general. To make returns.

Sec. 6. Every commissioned and non-commissioned officer and soldier of any volunteer company shall be held to duty therein for the term of six years, unless some absolute disability shall occur after joining such company, or he shall be discharged according to law: and every such person, and every officer of a battalion after serving said term of six years, shall be entitled to a certificate of such service. Duty.

Sec. 7. Such certificate shall be given by the commandant of bri-

gade, and the holders thereof shall be exempt from military duty in time of peace, and from the payment of all taxes in this act provided.

Sec. 8. Four such volunteer companies, and no more, may be formed within the limits of every brigade of enrolled militia.

Organiza't'n  
of company

Sec. 9. Whenever forty or more men shall associate together for the purpose of forming a volunteer company, they shall, with the consent of the commanding officer of their brigade, apply to the commander-in-chief, through the adjutant general, to be organized as such, and shall designate the persons for commissioned officers.

Sec. 10. On receiving such application, the commander-in-chief may so organize such company, and commission such officers.

May adopt  
by-laws.

Sec. 11. Any volunteer company may adopt such constitution and by-laws for its government and discipline, not inconsistent with this act, as a majority of the members of the company shall deem proper; and all sentences and fines imposed in pursuance of such constitution and by-laws, may be enforced and collected as hereinafter provided.

Uniform.

Sec. 12. Every member of a volunteer company shall provide himself with a perfect and complete uniform similar to that of the corps to which he belongs, in order to entitle him to any portion of the military fund hereinafter provided for.

## CHAPTER 9.

### OF PARADES, RENDEZVOUS AND ENCAMPMENTS.

Parade.

Section 1. Volunteer companies shall parade for company exercise on the first, second, third and fourth Saturdays of May in each year, and may hold such other meetings as they shall by their vote or by-laws direct.

Arms.

Sec. 2. Every member of a volunteer company shall be constantly provided with the arms, equipment and uniform suited to the particular corps to which he belongs; and every member of such company so armed, equipped and uniformed, shall appear at the place of company parade on the days aforesaid, at nine o'clock in the morning.

Sec. 3. Every member of any such company who shall not be present at the hour named, or who shall leave the ranks during the hours of parade without permission, shall be considered and marked as absent.

Sec. 4. Every commanding officer of any such company may ex-



ercise and discipline as well as inspect the same on said day at his option.

Sec. 5. There shall be a rendezvous of the companies of each battalion, armed, equipped and uniformed, on the second Tuesday in June, <sup>Rendezvous</sup> to commence at nine o'clock in the forenoon, and be continued from day to day for three days.

Sec. 6. The brigadier general shall designate by general order the place of such battalion rendezvous or encampment, and such place <sup>Place of encampment.</sup> when designated shall continue to be the place of annual battalion rendezvous until otherwise ordered by him.

Sec. 7. Every member of a volunteer company shall attend all company and battalion meetings required by law or by the by-laws of such company, without any warning or notice of the time and place of such meeting.

Sec. 8. If, at any annual rendezvous, a battalion shall decide on encampment by a majority vote of the same, instead of the rendezvous aforesaid, then such encampment shall take place at the next annual period for such rendezvous.

Sec. 9. For the purpose of preserving order and rendering such encampment useful, every member of such battalion shall be considered under arms from the rising of the sun on the first of said three days till the setting of the sun on the last of said three days, and subject to all the provisions of the next succeeding section.

Sec. 10. For the purpose of preserving order on all days of parade <sup>Considered under arms</sup> the militia shall be considered as under arms from the rising until the setting of the sun on the same day ; and in addition to putting under guard, as they are hereby authorized to do, and the exercise of the usual military powers with which they are hereby vested, the commanding officer of each company shall return to the commanding officer of the battalion, the names of all persons in the company who have discharged any fire arms on such day, within two miles of such parade, without the order or permission of a commissioned officer, or officer acting as such ; the names of every non-commissioned officer, musician or private, who shall, on such day neglect or refuse to obey the orders of his superior officer, and to perform such military duty or exercise as may be required, or depart from his colors ; and the commanding officer present of the battalion or company, as the case

may be, may put under guard any by stander or spectator who shall abuse, molest or strike any one when on parade or under arms; any person who shall encroach on the bounds of the parade ground, previously designated, so as not to obstruct the passage of travellers on any highway, or shall then and there sell, or offer to sell, or give away any spirituous liquors, without the permission of the said commanding officer, or shall have in his possession any gambling table, or other gambling device, such liquor, gambling table, or other gambling device, is hereby declared a nuisance, and may be abated or destroyed by order of the commanding officer present; and the person or persons disposing of, or having the same in his possession, may be put and kept under guard until the setting of the sun on the same day, or of the third day of any battalion encampment.

**Sec. 11.** Any commanding officer of division, brigade, regiment, To put under guard, j separate battalion or company is hereby authorized to put under guard and confine for the day any person or persons who shall, upon or near any parade ground, field or public highway, or any other place occupied by the militia, by means of ludicrous disguises, dress, arms and instruments, or by any other means disturb the peaceable and orderly proceedings of those under arms.

**Sec. 12.** The commanding officer and all staff officers of each separate battalion of active militia, shall attend every review, rendezvous and encampment of his proper battalion, fully uniformed and equipped according to law.

**Sec. 13.** The major general shall review at least one separate battalion in each year.

**Sec. 14.** Every volunteer company which shall not at any annual rendezvous or encampment, have at least thirty-two privates mounted, Company to be disbanded in case of deficiency in number, or armed, uniformed and equipped as the law directs, shall be immediately reported by the inspector or officer acting as such, to the adjutant general. If such number of privates shall not appear, such inspector shall require proof that there are privates belonging to such company properly mounted, or armed and equipped, sufficient to complete the whole number of thirty-two. And such proof may be made by the certificate of a commissioned officer, or by the oath of a non-commissioned officer or private. And the company so reported as deficient in number shall be disbanded by the commander-chief in or-

ders, unless he shall have reason to believe that such company will have the number required at the next succeeding inspection and review. And if such company shall at the second inspection and review be so deficient, he shall, without any delay, disband the same.

Sec. 15. If any volunteer company shall at any time be destitute of commissioned officers, and having been twice ordered to fill vacancies, shall neglect or refuse to fill them, such company may be disbanded by the commander-in-chief.

*Co. disbanded if destitute of officers.*

Sec. 16. The uniform of all officers, and of the several corps, shall be prescribed by the commander-in-chief.

Sec. 17. The system of discipline and field exercise which is ordered to be observed by the regular army of the United States, in the different corps of cavalry, infantry, artillery, light infantry and riflemen, or such other system as may at any time hereafter be directed for the militia by the laws of the United States, shall be observed by the militia in the exercise and discipline of said corps respectively.

*System of discipline.*

## CHAPTER 10.

### OF ELECTIONS.

Section 1. Every volunteer company on being organized shall proceed to elect non-commissioned officers.

*May elect officers.*

Sec. 2. On the occurrence of any vacancy in office after the first organization of any volunteer company, the members thereof may proceed to elect some person to fill such vacancy.

Sec. 3. Whenever two, and not exceeding four volunteer companies shall be formed within the limits of any brigade, they may associate together and form themselves into a separate battalion; and a majority of the commissioned officers of said companies may designate the field officers of such separate battalion.

*Separate battalion.*

Sec. 4. Whenever said officers thus designated shall be commissioned by the commander-in-chief, such separate battalion shall be considered as organized; and thereafter all vacancies in the field officers of the battalion shall be filled by a majority vote of the commissioned officers of the battalion at the time of the annual rendezvous or encampment.

*Considered as organized*

Sec. 5. The manner, time and place of holding and conducting all

volunteer company elections shall be regulated by the by-laws of such company.

Sec. 6. The returns of all company and battalion elections of commissioned officers shall be made to the commandant of brigade.

## CHAPTER 11.

### OF FINES.

Penalty.

Section 1. Every commanding officer of a company of enrolled militia who shall neglect or refuse to enroll any person subject to military duty within his limits, shall pay a fine of two dollars for each person whom he shall neglect to enroll.

Sec. 2. Every commissioned officer of a volunteer company who shall neglect to appear at any company or battalion parade, shall forfeit and pay the sum of four dollars; and every non-commissioned officer, musician and private of any such company who shall thus neglect to appear, shall forfeit and pay the sum of two dollars.

Sec. 3. Every officer, musician and private, of any volunteer company, who shall appear at any rendezvous or encampment with deficient equipments and uniform, shall forfeit and pay two dollars; and for like deficiency at company parade, one dollar.

Sec. 4. Every officer, for behaving with contempt to any superior officer, and every non-commissioned officer, musician and private, for conducting in a disorderly manner, exciting or joining any tumult or riot, being guilty of any other unmilitary conduct, disobedience of orders or neglect of duty when under arms or on duty, shall forfeit and pay a sum not less than one, nor more than ten dollars.

May be put  
under guard

Sec. 5. For any of the offences mentioned in the last preceding section, any non-commissioned officer, musician or private, guilty thereof may be put under guard by the commanding officer of the company or separate battalion for a time not exceeding the time when his company is dismissed from duty for the day.

Penalty.

Sec. 6. Every master or musician of a band, for absence from military duty, or neglect thereof, disobedience of orders, disorderly or other unmilitary conduct, shall forfeit and pay not less than two nor more than ten dollars.

Sec. 7. All musicians of bands or companies, whether hired or enlisted, while actually on duty, shall be subject to the same commands

and liable to the same duties and penalties as other soldiers of such companies and bands.

Sec. 8. Every clerk of a company for any neglect of duty or requirement of law, shall forfeit and pay a sum not less than one nor more than ten dollars.

Sec. 9. Every officer of a volunteer company or a separate battalion, for any neglect or refusal of duty required by law or the by-laws of any such company, shall forfeit and pay a sum not less than one nor more than twenty dollars.

Sec. 10. Every officer of brigade who shall neglect or refuse to discharge any duty required by law shall forfeit and pay a sum not less than five nor more than fifty dollars.

Sec. 11. All excuses for the non-appearance of any officer or private shall be made to the commanding officer in writing, within twelve days after the training from which he shall have been absent; and on the delinquent's producing satisfactory evidence of his inability to appear, such officer may excuse him; and no excuse shall avail any such delinquent before such officer, or on any prosecution for the recovery of the fine or penalty unless proved to have been made to such officer in writing before the expiration of the twelve days aforesaid or unless such delinquent shall satisfy the court that it was not in his power to make such excuse within said twelve days.

## CHAPTER 12.

### ON COLLECTION OF FINES AND PENALTIES.

Section 1. All military fines shall be enforced and collected by complaint, as follows:

1st. Against brigade officers on complaint of the commandant of division:

2nd. Against battalion officers by commandant of brigade:

3rd. Against commandants of companies and leaders and musicians of bands, by commandants of battalions.

4th. Against officers of companies below the rank of commandant, and musicians and privates of companies, by the commandant of company.

Sec. 2. Such complaint shall be entered by the proper officer aforesaid, before a justice of the peace of any township within the limits

Excuses to be made to the commanding officer.

Fines enforced and collected.

Complaints to be entered by proper officer

of the brigade, under oath, stating the cause of the forfeiture, and thereupon said justice shall issue his warrant for the apprehension of the person complained of, and the same shall be served by any constable of such township, who shall immediately arrest the person complained of, as named in said warrant, and bring him before such justice, who shall proceed to a hearing of the case; if, on such hearing, it shall appear to the magistrate that such forfeiture has been incurred without good cause being shown therefor, he shall thereupon impose a fine according to the nature of the case, with costs incurred, and execution shall issue against the goods and chattels of the person complained of; and every judgment rendered for any fine as aforesaid, may be stayed in the same manner as judgments rendered by justices of the peace in civil proceedings; but no execution on such judgment shall run against the body of any defendant under the age of twenty-one years, nor shall any such defendant be committed to jail, by virtue of any execution issued under the provisions of this act, for a longer time than two weeks.

Fines paid to clerks.

Sec. 3. All fines against members of companies when collected, shall be paid to the clerks of such companies respectively, and against officers of brigades, separate battalions and leaders and musicians of bands, to the paymaster of battalions respectively, for the use of such battalions.

Sec. 4. No appeal shall be allowed from any justice of the peace on any judgment rendered as aforesaid.

### CHAPTER 13.

#### OF PUBLIC PROPERTY.

Duty of adj't general.

Section 1. It shall be the duty of the adjutant general, under the commander-in-chief, to designate such kinds of arms to be received from the United States as may be deemed necessary and proper for the military service of the state.

Duty of quarter master general.

Sec. 2. It shall be the duty of the quarter master general, under the direction of the commander-in-chief, to take charge of, and safely keep the same when received.

Sec. 3. The arms so received shall be distributed by the quarter master general to the different volunteer companies in the several brigades in proportion to their numbers.



Quartermas-  
ter to take  
arms, &c.

Sec. 8. The quarter master general is hereby authorized and directed to order any officer to take, or shall himself take into his care and keeping any arms, pieces of ordnance, and any other property of the state not in the use or occupation of any company, or when such company is disbanded or have not met within one year.

Penalty.

Sec. 9. If it shall appear satisfactorily to the quarter master general that any arms, ordnance or other property of the state already distributed, or which may hereafter be distributed to any company, has not been safely kept, or properly housed, or has been injured, or lent, or used for other purposes than on military occasions, he shall prosecute the bond given by the commissioned officers of such company, or he shall take away such property from such company, and report such company to the commander-in-chief, who shall disband the same; each or both of said penalties at his discretion. For this purpose the quarter master general may inspect or cause to be inspected or examined at any time at his discretion the arms and property, aforesaid.

Sec. 10. Any person who shall sell, retain, conceal or have in possession any of the arms, ordnance, military stores, or other property of the state of a military character, the same not having been delivered to him by any person thereto authorized, or shall retain or refuse to deliver the same when demanded by the quarter master general on his order, shall be guilty of a misdemeanor, and may, on conviction thereof, be fined in four times the amount of the property or punished by imprisonment in the county jail, nor more than six months, or both in the discretion of the court.

Salary.

Sec. 11. The quarter master general shall receive an annual salary of one hundred and fifty dollars, which shall be in full for all services rendered by him by virtue of his said office.

#### CHAPTER 14.

Section 1. Every free white male inhabitant over the age of twenty-one years except lunatics and paupers, shall be subject to pay an annual tax for the support of the volunteer militia of this state.

Duty of as-  
sessors.

Sec. 2. It shall be the duty of the assessors of each township or ward of a city annually, at the time of assessing taxable property, to make out a list of the names of all persons designated in the preceding section, and the supervisor of each township and assessor of



each ward of a city shall assess in a separate  
ment roll every such person the sum of two  
sum shall be collected and returned in the  
taxes are collected and returned.

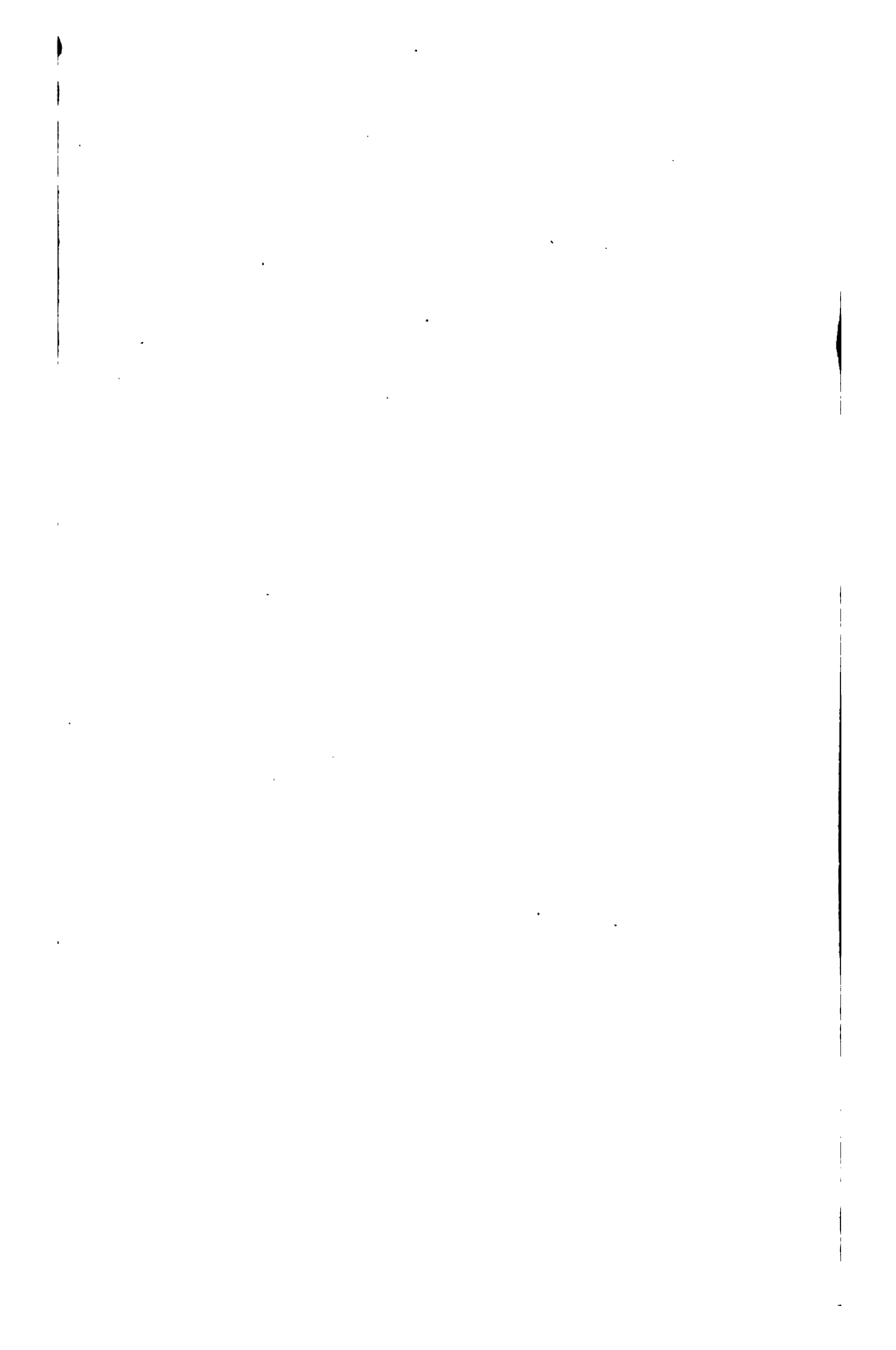
Sec. 3. The money so collected and returned  
sury from each township, shall, on applica  
any separate battalion of volunteer militia  
brigade where such county may be, be paid  
by the county treasurer whenever such pay  
plication as aforesaid, shall make, execute and  
treasurer, a bond with sufficient sureties to  
treasurer, in a penalty of at least double the  
cruing to his battalion, conditioned for the  
cording to law, of all monies that may come  
tue of his office.

Sec. 4. Whenever there shall be more than  
county, the county treasurer shall pay over  
money as collected and returned from the  
limits of said brigade.

Sec. 5. Of the money thus received from  
the paymaster of each separate battalion shall  
annual rendezvous or encampment, in June,  
ant of brigade, battalion and company, for the  
the brigade and battalion, and of the members  
sum in the ratio of the days of attendance for  
gade and battalion officer, at the rendezvous of  
each member of a company at the regular  
battalion rendezvous or encampment, which  
be certified to by each of said commandants.

Sec. 6. All monies that may come into the  
ter of any separate battalion on account of  
shall be appropriated by the officers of the bat  
the battalion.

Sec. 7. Of the monies thus appropriated, the  
pay out the same but on the order of the com  
lion, accompanied by his statement of the spec  
be paid.





copartnership in writing, in which shall be stated the name which they may agree upon for the said partnership or association, and the objects for which it is formed; the period of its continuance; the amount of capital stock; the number of shares of which the said stock shall consist; the number of trustees and their names, and who shall manage its concerns the first year; and the names of the township and county in which the operations of said association or partnership are to be carried on.

May buy  
and sell real  
estate.

Sec. 2. As soon as such certificate and articles shall be filed as aforesaid, the persons who shall have signed and acknowledged the same, and their assigns for such time as they may agree upon, not exceeding twenty-five years next after the day of filing such articles of agreement and copartnership, and for the more convenient transaction of their business by the copartnership name as stated in such agreement, shall in law be capable of buying, purchasing, holding, conveying, selling and transferring any lands, tenements, hereditaments, goods, wares and merchandise whatsoever, necessary to enable them to carry on their operations mentioned in said articles: *Provided*, That in all conveyances, assignments, deeds or other transfers of property by said association or company, the instruments of conveyance shall be signed by the said Secretary and a majority of the trustees thereof, and acknowledged before some officer qualified to take proof and acknowledgment of deeds and other conveyances.

Trustees to  
manage af-  
fairs of co,

Sec. 3. The stock, property, affairs and concerns of such company shall be managed and conducted by trustees, a majority of whom shall be permanent residents of this state; they shall be elected at such time and place, and in such manner as shall be directed by the by-laws of the same: said trustees shall choose one of their number president, and appoint a secretary, one of whom shall be a permanent resident of this state; and whenever any vacancy shall happen among the trustees, by death, resignation, or removal out of the state, such vacancy shall be filled for the remainder of the year in such manner as shall be provided by the by-laws of the association: *Provided, always*, That the number of trustees shall not exceed nine, and they shall be members of the company and stockholders in the same.

Sec. 4. Each company organized under this act shall, during the

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ties or loans exceeding in the aggregate one half of the capital stock of the company, paid in.

Stock deemed personal estate.

Sec. 8. The stock of said copartnership or association shall be deemed personal estate, and transferable in such manner and with such limitations and conditions as shall be prescribed by the articles of the association; but no transfer of any share or shares of said stock, except by operation of law, shall be binding or valid unless assented to by the members, or some officer or agent of said association, in some mode to be prescribed by the articles or by-laws, and unless a minute and registry of the same shall be made in a book kept for that purpose by the secretary, which book shall be at all times subject to inspection, by any creditor of said company or person interested in the same. And the secretary shall at any time, on reasonable request, furnish to any creditor or person interested, a written list or statement of the stockholders in said company.

Co. not dissolved by death of stockholder.

Sec. 9. Said company shall not be dissolved by the death of any of its stockholders, or by the transfer, by operation of law, of the interest of any stockholder; but in all such cases, any person becoming entitled to such stock shall be admitted a member of such company, and shall have the same rights and be subject to the same liabilities as attached to the owner of said stock up to the time when his interest in the same ceased.

Actions to be in name of president

Sec. 10. All actions and suits at law and in equity to be commenced or instituted on behalf of the company or copartnership, shall be commenced or instituted in the name of the president for the time being, or in the name of the person acting or officiating as such, or in the name of any one trustee for the time being, for that purpose to be appointed as the nominal plaintiff or petitioner in behalf of the company. All actions and suits at law or in equity to be commenced or instituted against the company or copartnership, shall be commenced or instituted against the president for the time being of the company, or the person acting or officiating as such, or against any one trustee of the company as the nominal defendant on behalf of the company, and process served upon either of the above shall be deemed service on the company. It shall be lawful and sufficient to state the name of the president for the time being, or of the person acting or officiating as such, or of any one trustee of the

law they are now, or at any time hereafter, shall be subject or liable to, between the said company or copartnership and others, or between the individual members of the said company or corporation, or any of them, and others, or among themselves, or in any other manner whatsoever, except so far as the same are effected by the provisions of this act, and the true intent and meaning thereof.

*Business.*

Sec. 13. Every association formed under the provisions of this act, for mining operations within this state, which shall engage in the business of crushing, cleansing, separating and smelting the ores and products of any mine, for the reduction thereof to a convenient marketable shape, shall conduct and carry on the said business of crushing, cleansing, separating and smelting any such ores, wholly within the limits and jurisdiction of this state at all times after the lapse of three years from the passage of this act.

*Ta*

Sec. 14. Every association formed for mining purposes under the provisions of this act shall be subject to the payment of a specific state tax of four per cent., to be in lieu of all other taxes, and to be levied and collected upon all ores and the products of all mines opened and worked by any such association within the limits of this state excepting iron and the product of iron mines, which shall be subject to a specific state tax of two per cent. in lieu of all other taxes, to be collected as aforesaid. Such specific state tax shall be in all cases assessed upon the average yield and value of such ores after the same are smelted, if smelted within this state, but if not smelted within this state, then the said tax shall be paid before such ores are removed from the premises where they are raised.

*How assessment made.*

Sec. 15. Such assessment may hereafter be made upon the actual yield and product of any such mine, for the year next preceding, upon a statement thereof verified by the oath of the person having constant charge of the working of any such mine: *Provided*, That the Governor of the state may hereafter appoint, under the direction of the legislature, a resident agent to superintend the assessment and collection of such tax under the provisions of law therefor.

Sec. 16. Any association formed under the provisions of this act for any neglect or refusal to comply with the requirements of the three preceding sections shall forfeit all rights acquired under the provisions of this act.

tribution within sixty days after the adjournment of the legislature, and shall be distributed within ten days thereafter.

Also, amend sections two and three of said act by inserting after the word "treasurer," the words "secretary of state."

Approved May 18, 1846.

### No. 150.

#### AN ACT to provide for the publication of the Revised Statutes.

**Governor, to Appoint commissioner** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Governor be and he is hereby authorized and required to appoint a commissioner to superintend the printing and binding of the act passed at the present session of the legislature, entitled "an act for revising and consolidating the general statutes of the state of Michigan."

**Duty of commissioner** Sec. 2. The said act shall be known and distinguished as the Revised Statutes; and it shall be the duty of the said commissioner, personally, to superintend the publication thereof, to examine the proof sheets, compare the same with the act in the office of the secretary of state, prepare marginal notes to the sections, and an exact and copious index to the whole.

**Number of copies of statutes.** Sec. 3. The said commissioner shall procure six thousand copies of the said revised statutes, and the matter specified in the next succeeding section, to be printed and bound in as good a style as that of the Massachusetts revised statutes published in the year eighteen hundred and thirty-six, and in as good and substantial a manner, and at a price not exceeding one dollar and twenty-five cents per copy for printing and binding, including all materials except paper; two thousand copies thereof to be completed and deposited in the office of the secretary of state by the fifteenth day of December next, and the remaining four thousand copies by the first day of April next.

**What to be published with statutes** Sec. 4. The said commissioner shall cause to be published with the said revised statutes, the declaration of independence, the constitution of the United States and the amendments thereto, the ordinance of seventeen hundred and eighty-seven, the act of Congress



## No. 152.

## AN ACT to provide for the leasing of certain lands.

Com'r to  
lease lands.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioner of the state land office be, and he is hereby authorized to lease, as hereinafter provided, any of the mineral lands reserved from sale by the provisions of section No. 3, of act No. 78, approved April 28, 1846.

Sec. 2. All that portion of said lands which is for the use of primary schools, the commissioner may lease as hereinafter provided, in quantities not less than forty acres, unless it be a fraction, and for a period not exceeding three years: *Provided*, All lands so leased shall be according to the United States survey.

Public auc-  
tion.

Sec. 3. Before said primary school lands can be leased upon private application, they shall first be exposed to lease at public auction to the highest bidder, as hereinafter provided.

Notice.

Sec. 4. The said commissioner shall give thirty days notice of the time when, and the place where, said lands will be exposed to lease at auction as aforesaid, with the description, township, range and region of country where said lands are located; which notice shall be published at least once in each week in the state paper at Detroit, and in one or more county papers.

Sec. 5. The consideration of such leases shall not be less than four per cent. upon the average yield and value of all minerals which shall be taken from the lands so leased, and such further annual rent to be paid in money, annually in advance, the first payment of which shall be on the delivery of said lease, as the commissioner shall be able in manner aforesaid to lease them for.

Lands may  
be leased.

Sec. 6. All lands located by the state for internal improvement purposes, under the grant of 500,000 acres by Congress to this state, which may be under lease from the Secretary of War of the United States, at the time of said location, may be leased by the said commissioner to the same lessees or their assigns and on the same terms of their leases from the said Secretary of War; the said lessees relinquishing all pretension of claim under said United States leases.

When to be  
leased to  
other per-  
sons.

Sec. 7. If any of said lessees or their assigns shall refuse or neglect to obtain said lease from said commissioner after full opportu-

ty to do so, or public notice to that effect, and that the said commissioner may lease the said lands in the way and manner, hereinbefore provided, for primary school lands.

Sec. 8. All locations of said lands and improvements for agricultural, stock raising, or other improvement purposes as aforesaid, and a Secretary of War, at the time of said location, shall be made in the way and manner hereinafter provided for the leasing of primary school lands:

**Sec. 9.** After any of the lands mentioned in the first section of this act have been exposed to lease at auction, if not let, then lease them upon private application as set forth in the fifth section of this act.

Sec. 10. The Governor may, if he shall point an agent to examine the lands described the same, with such compensation as he may

**Sec. 11. All lands leased under the provisions of this act shall be subject to any other taxes than those specified in this act.**

**Sec. 12. This act shall take effect and be passage.**

Approved May 18, 1846.

**No. 153.**

**AN ACT to amend an act entitled "an  
Corunna and Northampton turnpike  
May four, eighteen hundred and forty**

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan, That the act*

**Sec. 2. This act shall take effect and be in force from and after its passage.**

Approved May 18, 1846.

## No. 154.

## AN ACT to incorporate the Kalamazoo River Railroad Company.

**Names of**  
**corporators.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Hosea B. Huston, Horace H. Comstock, Joshua Hill, Joseph Fisk and Elihu G. Hackley be and they are hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of the Kalamazoo River Railroad Company, first giving thirty days notice of the times and places of taking such subscriptions, by publishing such notice in one of the public newspapers in Kalamazoo and Allegan.

**Capital stock** Sec. 2. The capital stock of said company shall be five hundred thousand dollars, in one thousand shares of fifty dollars each; and as soon as one hundred shares of said stock shall be subscribed, the subscribers thereto, with such other persons as shall associate with them for that purpose, their associates and assigns, shall be and they are hereby created a body corporate and politic, by the name of the Kalamazoo River Railroad Company, with perpetual succession; and by that name shall be capable in law of purchasing, holding, leasing and conveying estate, either real, personal or mixed, so far as the same may be necessary for the purpose hereinafter mentioned, and no farther; and in their corporate name may sue and be sued, may have a common seal, which they may alter and renew at pleasure, and shall have, and may enjoy and exercise, all the powers, rights and privileges which may be necessary to carry into effect the purposes and objects of this act.

**May construct road.** Sec. 3. Said company hereby created, shall have power to construct a railroad with double or single track, from Kalamazoo, in the county of Kalamazoo, to some convenient point at or near the mouth of the Kalamazoo river, in the county of Allegan, with power to take, transport and carry property and persons upon the said railroad or any part thereof herein authorized to be constructed, by the power and force of steam, or of animals, or any combination of them: *Provided*, that the line of said railroad shall pass through the villages of Otsego and Allegan, in the county of Allegan.

## LAWS OF MICHIGAN

Sec. 4. If said company shall not within the term of this act, commence the construction of said road, or not within five years construct twenty miles of said road, or in ten years from the passage of this act, be in operation the whole of said road, then the powers of said company shall be null and void, and such part of said road as shall not be finished in this act.

Sec. 5. Whenever one half the capital stock subscribed, if within three years from the passage of this act, the commissioners shall call a meeting of the subscribers at such place as they may appoint, by giving thirty days notice of such meeting, and shall lay the books of said subscribers then present, and thereupon the majority of them shall elect seven directors by whom shall be competent to manage the affairs of said company; said directors are empowered to elect one of their number president, and on all occasions, when a vote of the stockholders, each and every share shall entitle the holder thereof either by himself or by proxy.

Sec. 6. To continue the succession of president of said company, seven directors, a majority of whom shall be citizens of the United States, shall be chosen annually in October, at such place as may be appointed by the directors; if any vacancy shall occur by death, resignation or any president or director before the year for which he shall have expired, such vacancy, for the remainder of the year, may be filled by the directors of said company. The president and directors of said company shall hold their office until a new election of president and directors, which are by this act, or by the by-laws of said company to be made on any particular day, may be made; and sixty days thereafter, notice of such meeting shall be given as prescribed in the preceding section.

Sec. 7. A general meeting of the stockholders shall be held annually at the time and place appointed by the president and directors; and a meeting of the directors shall be held at the same time and place.

time during the interval between the said meetings, by the president and directors, or by the stockholders owning not less than one fourth of the whole stock, by giving thirty days notice of the time and place of meeting; and when any such meeting is called by the stockholders, the particular object of such call shall be stated; and if at any meeting thus called, a majority in value of the stockholders are not present in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business; and if within said three days, stockholders having a majority of the stock do not attend such meeting, then the said meeting shall be dissolved.

To exhibit  
statement,

Sec. 8. At a regular annual meeting of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the company; and at any meeting of the stockholders, a majority of those present in person or by proxy, may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required; and at all general meetings of the stockholders, a majority in value of all the stockholders in said company, may remove from office any president, or any of the directors of said company and elect others in their stead: *Provided*, Notice of such intended removal has been given as required by the seventh section.

Oath.

Sec. 9. Every president and director of said company, before he acts as such, shall swear or affirm, that he will well and truly discharge the duties of his office to the best of his skill and judgment.

Compensation.

Sec. 10. The said president and directors, or a majority of them, shall have power to appoint, contract with and determine the compensation of all such officers, engineers, agents and servants whatsoever, as they may deem necessary for the transaction of the business of the company, and remove them at pleasure; also the manner and evidence of the transfers of the stock in the said company; and they shall have power to pass all the by-laws which they may deem necessary for carrying into execution all the power vested in the company hereby incorporated: *Provided*, Such by-laws shall not be contrary to the constitution or laws of the United States nor of this state.

Sec. 11. The president and directors of and they are hereby invested with all the powers necessary for the location, construction said railroad, not exceeding one hundred feet, the president and directors, or their agents, or may contract for making said road, or any part thereof, and use and excavate any land which may be wanted for said railroad, or any other purpose which is necessary for the repair of said road or its works, so soon as application therefor is ascertained and tendered to the state, and six and seven of an "act to authorize the Michigan Central Road, and to incorporate the Michigan Central Company."

Sec. 12. The said company may charge any sum, not exceeding the sums charged by the Michigan Central Road Company for transportation or storage of goods which shall have been transported by them, upon delivery at any of their depots, and which shall have remained in deposit more than four days: *Provided*, The consignee notified, if known, either personally, or by notice at his business or residence, or by notice sent by mail to his property, at least four days before any storage is made. *Provided*, That in all cases, the said company shall not charge for goods in deposit in any of their depots, or in the hands of warehousemen, and not as common carriers. The said company shall charge or take any remuneration for transportation of goods otherwise than as aforesaid, it shall be void, and of no effect in the state of Michigan, in each case for so doing, it is so provided.

Sec. 13. Whenever, in the construction of a railroad, it is necessary to cross or intersect any established road, the duty of said president and directors so to construct the same across such established road, as not to impede the transportation of persons along the same; or when it is necessary to construct it through the land of any individual, the duty to provide for such individual, proper compensation for the road, from one part of his land to another and pair.

**Penalty.**

**Sec. 14.** If said company shall neglect to provide and keep in repair proper wagon ways across said road as required by this act, it shall be lawful for any individual to sue said company, and he shall be entitled to such damages as a court or jury may think him or her entitled to for such neglect or refusal on the part of said company.

**May connect  
with other  
roads.**

**Sec. 15.** If it shall be necessary for said railroad company, in the selection of the route or construction of said road to be by them laid out and constructed, or any part of it, to connect the same with any turnpike, road or bridge, made or erected by any incorporated company, or authorized by any law of this state, it shall be lawful for said president and directors to contract with any other corporation for the right to use such road or bridge, or for the transfer of any of the corporate or other rights and privileges of such corporation to the said company hereby incorporated; and every such other corporation acting under the laws of this state, is hereby authorized to make such contract or transfer by and through the agency of the person authorized by the respective acts of incorporation to exercise their corporate powers, or by any persons who are by any law of this state entrusted with the management and direction of such turnpike, road or bridge, or any of the rights and privileges aforesaid; every contract or transfer made in pursuance of the power and authority herein granted, when executed by the several parties, under their respective corporate seals, shall vest in the company hereby incorporated, all the rights and privileges, and the right to use and enjoy the same as fully as they are now used and enjoyed by the said corporation in which they are now vested.

**May purchase  
cars &c**

**Sec. 16.** The said president and directors shall have power to purchase with the funds of the said company, and place on any railroad constructed by them under this act, all machines, wagons, carriages, or vehicles of any description, which they may deem necessary or proper for the purpose of transportation on said rail road, and they shall have power to charge for tolls and transportation such reasonable sums as shall be established by the by-laws of the company hereby incorporated, not exceeding the rates hereafter to be charged on the road of the Michigan Central Railroad Company for like distances and services; and it shall not be lawful for any company or any other person or persons to transport any passengers, merchandise or

property of any description whatever, on and without the license and permission of said said company; and the said road with all and profits, all machinery used on said road hereby vested in said company incorporated cessors forever; and the shares of the company shall be considered personal property. agreeably to the by-laws of said company, execution agreeably to such laws as are or. The right and privilege is hereby reserved company hereafter to be incorporated under the to connect with the road hereby provided for ding from the main route to any part of this in forming such connection no unnecessary the works of the company hereby incorporated ny or companies so connecting may have to by paying the ordinary tariff of tolls established this incorporation shall be entitled to the same to any and all roads hereafter connected.

Sec. 17. The president and directors shall ally declare and make such dividend as they net profits from the resources of said company ary current expenses; and they shall make the stockholders of said company in proportion shares.

Sec. 18. If any person or persons shall maliciously remove a stake, alter, deface or any bench, stake or fixture, set by said company or person in the employ of said company, or injure, impair or destroy any part of the said said company under this act, or any of the buildings or machinery of said company, such person, shall each of them, for every such offence the said company a sum not exceeding five times the damages caused by such offence, which may be recovered by said company, by an action of trespass, in any jurisdiction in the county wherein the offence



shall transport mail.

Sec. 19. Said company shall, at all times, if required by the post office department, transport the United States mail upon said road, as often as their cars shall pass the same, not exceeding twice in each day, for such compensation as shall be agreed upon by said company and the said department, not exceeding the average price paid by said department for the transportation of the mail in post coaches, three times per week a like distance, upon the several post roads in the state: *Provided*, Nothing herein contained shall be construed to require any of the vehicles of said company to wait at any post office for the change of mail.

To report to  
use of state.

Sec. 20. The directors of said company shall annually, on or before the twenty-fifth day of January, make a report to the secretary of state, which shall embrace the business of the preceding year to the first day of January, stating the length of their road in operation; cost of construction, and the indebtedness of the company for materials or work in progress of delivery or execution on account of construction, as near as can be conveniently ascertained, and all other indebtedness, if any there be; the amount of capital stock subscribed, and the amount actually paid in; the amount of dividend; receipts from freight, from passengers, and from all other sources on account of operating the road; the number of through and way passengers respectively; the expenditures for the repairs of the road; for repairs of engines and cars, and other expenditures, which three last mentioned items shall include all the expenditures for operating the road, and the expenditures made for construction during the year; the number of engines; of passenger, freight, and other cars; the average number of men in employment of the company; the number of miles run by passenger, by freight and other trains; which report shall be verified by the affidavit of at least two of the directors, and filed in the office of the secretary of state.

Annual tax.

Sec. 21. The said company shall pay to the state an annual tax of one-half of one per cent upon the capital stock paid in, until the first day of February, eighteen hundred and fifty one, and thereafter an annual tax of three-fourths of one per cent upon its capital stock paid in, and also upon all loans made to said company for the purpose of constructing said railroad: which tax shall be paid in the last week in January in each year to the state treasurer, and the

property and effects of said company, mixed, shall, in consideration thereof, be other tax, charge and exaction, by virtue of or hereafter to be in force, except penalty.

Sec. 22. The said company shall have ask for, demand and recover and take their own proper use and benefit, on all passengers using or occupying the said convenience, erection or improvement built, said company, to be used therewith, and late the time and manner in which goods transported, taken and carried on the same of collecting all tolls and dues on account of carriage, and storage, and shall have full power such toll houses and other buildings, for proper transaction of their business, as necessary.

Sec. 23. Whenever it shall be necessary their railroad, to intersect or cross any stream, course, or road or highway, lying on the route it shall or may be lawful for the company to cross the road across or upon the same: *Provided*, the company shall restore the stream or water course, intersected or crossed, to its former state, or in no unnecessary manner to impair its usefulness.

Sec. 24. The said company may annually pay such dividend as they may think proper of the profits or income of the said company, deducting the expenses and they shall make the dividend among the stockholders of the company in proper proportions to their respective shares.

Sec. 25. The state shall have a lien upon the property of the company and its appurtenances and stock thereon for all taxes and dues which may accrue to the state from the company. The lien of the state shall take precedence over all other claims, demands, judgments or decrees against said company.

Sec. 26. Whenever it shall be necessary for the company to employ or use the public, or persons receiving or sending passengers or goods, the company shall be liable for the same.

the said company shall permit side tracks to intersect the main road at any depot on or along the line of said road, and that such persons shall be entitled to have any property taken from such side tracks, under the directions and regulations of said company, without unreasonable delay.

Sec. 27. The legislature may at any time alter, amend or repeal this act, by a vote of two-thirds of each house.

Approved May 18, 1846.

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No. 155.

AN ACT relative to the Public Defence.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Governor be, and he is hereby authorized to raise a volunteer force, not exceeding twenty thousand men, if in his opinion it shall become necessary, in case of war, to defend the state and protect the property of its citizens.

Sec. 2. That the sum of one hundred thousand dollars be, and the same is hereby appropriated out of any moneys in the treasury (except primary school and university funds,) to defray the expenses of such volunteers in case they shall be called out,, as provided in the foregoing section.

Sec. 3. This act shall take immediate effect, and be in force until the tenth day of January next.

Approved May 18, 1846.

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No. 156.

AN ACT to provide for paying the salaries of State Officers for the year one thousand eight hundred and forty-six.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the following sums be, and they are hereby appropriated out of the general fund for the current expenses of the state government for the year one thousand eight hundred and forty-six, to wit: For the salaries of the governor, the associate justices of the supreme court, and the chancellor, fifteen hun-

dred dollars each; for the salary of the clerk of the court, sixteen hundred dollars; for the salary of the district court, auditor general, secretary of the land office, one thousand dollars; for the salaries of the chief clerk of the auditor general, seven hundred dollars each; for the salaries of the clerks for the auditor general, six hundred dollars; for the deputy secretary of state, and one clerk of the land office, and one clerk of the land office, four hundred dollars a year each for the time actually employed of the state, said auditor, treasurer and clerk, certifying that such deputies and clerks were necessary; for the salary of the attorney general, four hundred dollars; for the salary of the superintendent of the land office, five hundred dollars; for the salary of the clerk of the land office, three hundred dollars, for the salary of the clerk of the land office, four hundred dollars.

Sec. 2. That there be appropriated the sum of four hundred dollars to the contingent fund to be paid to the auditor general upon the order of the governor.

Sec. 3. The salaries above specified shall commence from the first day of January of the next year at the same rate for fractional quarters.

Sec. 4. There is hereby appropriated so much of the amount already appropriated, to be paid as may be necessary to pay the members of the legislature, and to pay all persons employed by the state, the amounts that shall be due them respectively in the manner fixed by law.

Sec. 5. This act shall take effect and be in force from its passage.

Approved May 18, 1846.

**AN ACT to organize the counties of Houghton, Schoolcraft, Ontonagon and Marquette, and for other purposes.**

Counties or  
ganized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the several counties of Houghton, Schoolcraft, Ontonagon and Marquette, as laid off and bounded by an act, approved March 9, 1845, entitled "an act to amend an act entitled an act to divide the upper peninsula into six counties, and to define the boundaries of the same," be, and the same are hereby united and set off into a judicial district, and that the inhabitants thereof shall possess and enjoy all the rights and privileges to which the inhabitants of other organized counties of this state are entitled.

Co. officers  
to be elected

Sec. 2. There shall be elected in said district on the first Monday of August next, and annually thereafter on the first Monday in November, until said counties shall be separately organized, the several county officers provided by law for the other organized counties of this state, who shall severally perform all the duties and receive like compensation and hold their offices for the same length of time as is provided by the laws of this state.

Co. judges  
and their  
powers.

Sec. 3. The judicial powers in said district shall be held and exercised until otherwise provided, by a county judge, to be elected at the time of holding the first special election as aforesaid, for the term of time specified in the revised laws of eighteen hundred and forty-six, and who, in addition to the powers conferred by said laws upon county courts, shall have and exercise the full powers and jurisdiction of a circuit court in the several organized counties of the state, as well in criminal proceedings as in civil cases and in equity, the rules and practice of said county courts in criminal proceedings and in civil cases where the amount in controversy exceeds five hundred dollars, being made to conform as near as may be to the rules and practice of a circuit court: *Provided*, That in all cases any party conceiving himself aggrieved by any final judgment of said court, shall have the right to appeal therefrom to the circuit court for the county of Chippewa, in the manner now provided for the taking an appeal in other courts of record in the state. J

Terms of  
the court.

Sec. 4. Said county judge shall appoint and hold at least two terms of said court in each year, and such additional terms as he shall think

necessary; and for the arrest, examination of persons charged with any offence against the said judge shall have power to issue process on oath, and investigate any alleged offence, by summary proceedings, in the manner by law for the arrest and examination of offenders for the peace.

Sec. 5. On the first Monday of August next, elections within said judicial district, shall be held at River, and at L'Anco; and at such election then present shall proceed to choose viva voce inspectors of election, who shall be qualified as provided by law, and shall be qualified as provided by law, and in the same manner as at the general election of county officers, including said county judge, at the time, and upon taking the official oath, and when such bond is required by law, the officers shall be bound upon the full discharge of their duties, and notwithstanding, and shall hold their offices re- spective to the day of January, one thousand eight hundred and eighty-five, until their successors shall be duly elected and qualified.

Sec. 6. The Governor may appoint so many judges for said district as he may deem necessary for the same.

Sec. 7. The counties of Schoolcraft, Ontonagon, and Houghton are hereby attached to the county of Houghton for judicial purposes, pursuant to this act.

Sec. 8. For the purpose of representation in the legislature, the counties embraced in the provisions of this act shall be attached to the county of Chippewa until otherwise provided by law.

Sec. 9. The Governor of this state shall, upon the passage of this act, appoint three commissioners to designate and establish the county seats composing the judicial district formed by this act, within one year from the date of their appointment. The office of the secretary of state, a report of the same, and the seats, so by them selected and designated.

passage.

Approved May 18, 1846.

No. 158.

AN ACT in regard to the Erie and Kalamazoo Railroad Company.

The act of incorporation amended. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act entitled "an act to incorporate the Erie and Kalamazoo railroad company," approved April twenty-second, one thousand eight hundred and thirty-three, be amended by striking from the third section thereof, after the word "Adrian," the following:—"and thence on the most eligible route to such point on the Kalamazoo river as they may deem most proper and needful;" and by adding thereafter the words "but not beyond the village of Adrian;" and by striking from the fourth section all from the beginning thereof to and including the word "only," being the following: "If said corporation shall not within three years from the passage of this act, commence the construction of said railroad, and shall not within six years from the passage of this act, construct, finish and put in operation the said railroad from Port Lawrence to the village of Adrian, and shall not, within fifteen years from the passage of this act, construct, finish and put in operation one-half of the said railroad, and shall not, within thirty years from the passage of this act, complete and put in operation the whole of the said railroad, or in the event of the failure of the company to construct the parts of the said railroad, within either of the times above mentioned, then the rights, privileges and powers of said corporation under this act shall be null and void, as to said parts of the said road which are not finished within the times limited by this act, and to them only;" and also by inserting after the word "incorporated," in the sixteenth section thereof, the following words, to wit:—"not exceeding the following rates, to wit: The rates of transportation for like distances charged or authorized by the state of Michigan to be taken on the Southern railroad on the first day of January last."

Sec. 2. The said company shall pay one-half of one per cent upon its capital all loans made to said company for the railroad; which tax shall be paid in each year, to the state treasurer, and the company, whether real, personal or mixed thereof, be exempt from all and every taxation by virtue of any laws of this state in force, except penalties by this act imposed.

Sec. 3. If said corporation shall withdraw shall become a law, signify their assent thereunder their corporate seal, to be filed in this state, then in such case (but not otherwise) the franchises conferred by the said original act or herein provided, shall be deemed and held to be in existence, and not forfeited nor liable to annulment prior to the passage of this act: and the company shall pay the taxable costs in a certain court of chancery for a violation of its charter.

Sec. 4. The state shall have a lien upon the property and its appurtenances and stock thereof and dues which may accrue to the state if the lien of the state shall take precedence of all judgments or decrees against said company. This state shall have a lien upon the property of said company, for all dues or demands against said company, for one hundred dollars, which, after said lien, shall take precedence of all other debts or demands, judgments or mortgages against said company.

Sec. 5. Said company shall at all times keep an office department, transport the United States mails as often as their cars shall pass thereon, and pay daily, for such compensation as shall be agreed upon by and the said department; and in case of refusal made, it shall be lawful for the governor or the commissioner, and said company one, who, or a majority of whom, shall agree



terms and conditions for transporting such mail, after fifteen days notice to said company: *Provided*, That nothing herein contained shall be construed to require any of the vehicles of said company to wait at any office for the change of mail.

Sec. 19 re-  
pealed.

Sec. 6. That section nineteen of "an act to incorporate the Erie and Kalamazoo railroad company," approved April twenty-second, one thousand eight hundred and thirty-three, be and the same is hereby repealed: *Provided*, That the repeal of said section shall not be construed so as to prevent said Erie and Kalamazoo railroad from crossing the Southern railroad in the manner it now crosses the same.

Sec. 7. The legislature may at any time alter, amend or repeal this act, or the act to which this is amendatory.

Sec. 8. This act shall take effect and be in force from and after the expiration of thirty days from the taking effect of an act entitled "an act to authorize the sale of the Southern railroad and to incorporate the Michigan Southern Railroad Company," and the payment into the state treasury of fifty thousand dollars of the price or purchase money to be paid therefor, and not before or otherwise.

Approved May 18, 1846.

#### No. 159.

AN ACT making appropriations to defray certain expenses authorized for the year eighteen hundred and forty-six.

Appropriation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the following sums be, and the same are hereby appropriated out of the general fund:

T J Drake.

To Thomas J. Drake, for the use of the trustees of the state bank

T G McBain

assets, twenty-one dollars; to T. G. McBain, for locks, knobs and repairs of tables in the hall of the house of representatives, one thousand eight hundred and forty-six, five dollars and six cents; to Ed-

E D Ellis

ward D. Ellis, for advertising notice of proposals for state printing for one thousand eight hundred and forty-six, one dollar; to Daniel

D Corbin.

Corbin, for fifty-eight and seventy-four one hundred and twenty-eighths of cords wood delivered at the capitol, one thousand eight hun-

dred and forty-five, one hundred and twenty cents; to A. W. Hovey, clerk of the newspapers furnished officers and members of the House, the sum of three hundred and fifty cents; to Rood & Company, for stationery ordered by the house of representatives of one thousand eight hundred and forty-five, and furnished members at the office of one thousand eight hundred and forty-six, for stationery furnished auditor general of one thousand eight hundred and forty-five and six, nine dollars and fifty cents; to Slingerland, for candles, and so forth, furnished by one thousand eight hundred and forty-six, one hundred and twenty cents; to Edmund Hall, for services in committee of the House as certified to D. No. 1, one hundred and twenty cents; and to Edmund Hall, for services as clerk of the house of representatives on the sale of the certificate of Mr. Hand, chairman, two hundred and fifty cents; to Adams, for services as clerk to select committee of the house of representatives, under direction of one thousand eight hundred and forty-five, one hundred and twenty cents; to A. S. Bagg, for stationery furnished to the general from May seventh, one thousand eight hundred and forty-five, to February twelfth, one thousand eight hundred and forty-five, one hundred and twenty dollars and twenty-five cents; to John in St. Clair Banner, General Schwarz's orders for one thousand eight hundred and forty-five, one hundred and twenty dollars and five cents; to A. Kaminski, for orders for the adjutant general, three hundred and twenty dollars; for publishing adjutant general's orders for one thousand eight hundred and forty-five, eight dollars and fifty cents; to Edward D. Ellis, for publishing adjutant general's orders for one thousand eight hundred and forty-five, one hundred and twenty dollars and fifty cents; to A. S. Williams, for general's orders and notices for one thousand eight hundred and forty-five, one hundred and twenty dollars and fifty cents; to Bagg & Harmon, for printing military orders for one thousand eight hundred and forty-five, one hundred and twenty dollars and fifty cents; to B. Hubbard, for services in making location of mineral lands, two hundred and fifty cents;

time during the interval between the said meetings, by the president and directors, or by the stockholders owning not less than one fourth of the whole stock, by giving thirty days notice of the time and place of meeting; and when any such meeting is called by the stockholders, the particular object of such call shall be stated; and if at any meeting thus called, a majority in value of the stockholders are not present in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business; and if within said three days, stockholders having a majority of the stock do not attend such meeting, then the said meeting shall be dissolved.

To exhibit  
statement,

Sec. 8. At a regular annual meeting of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the company; and at any meeting of the stockholders, a majority of those present in person or by proxy, may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required; and at all general meetings of the stockholders, a majority in value of all the stockholders in said company, may remove from office any president, or any of the directors of said company and elect others in their stead: *Provided*, Notice of such intended removal has been given as required by the seventh section.

Oath.

Sec. 9. Every president and director of said company, before he acts as such, shall swear or affirm, that he will well and truly discharge the duties of his office to the best of his skill and judgment.

Compensa-  
tion.

Sec. 10. The said president and directors, or a majority of them, shall have power to appoint, contract with and determine the compensation of all such officers, engineers, agents and servants whatsoever, as they may deem necessary for the transaction of the business of the company, and remove them at pleasure; also the manner and evidence of the transfers of the stock in the said company; and they shall have power to pass all the by-laws which they may deem necessary for carrying into execution all the power vested in the company hereby incorporated: *Provided*, Such by-laws shall not be contrary to the constitution or laws of the United States nor of this state.

Sec. 11. The president and directors of and they are hereby invested with all the powers necessary for the location, construction said railroad, not exceeding one hundred feet president and directors, or their agents, or may contract for making said road, or any purchase and excavate any land which may be wanted for railroad, or any other purpose which is necessary for repair of said road or its works, so soon as satisfaction therefor is ascertained and tendered a sum of six and seven of an "act to authorize the Michigan Road, and to incorporate the Michigan Company."

Sec. 12. The said company may charge any sum, not exceeding the sums charged by the Michigan Road Company for transportation or storage of goods which shall have been transported by them, upon delivery at their depots, and which shall have remained in deposit more than four days: *Provided*, The consignee notified, if known, either personally, or by notice sent by mail, at his business or residence, or by notice sent by mail, at least four days before any storage of goods. *Provided*, That in all cases, the said company shall not charge for goods in deposit in any of their depots, to warehousemen, and not as common carriers. The said company shall charge or take any remuneration for transportation of goods otherwise than as aforesaid, it shall be void in the state of Michigan, in each case for so doing, though the same be done in good faith.

Sec. 13. Whenever, in the construction of a railroad, it is necessary to cross or intersect any established road, the duty of said president and directors so to construct the railroad across such established road, as not to impede the transportation of persons along the same; or when it is necessary to construct it through the land of any individual, the duty to provide for such individual, proper compensation for the road, from one part of his land to another and to repair.

**Penalty.**

**Sec. 14.** If said company shall neglect to provide and keep in repair proper wagon ways across said road as required by this act, it shall be lawful for any individual to sue said company, and he shall be entitled to such damages as a court or jury may think him or her entitled to for such neglect or refusal on the part of said company.

**May connect  
with other  
roads.**

**Sec. 15.** If it shall be necessary for said railroad company, in the selection of the route or construction of said road to be by them laid out and constructed, or any part of it, to connect the same with any turnpike, road or bridge, made or erected by any incorporated company, or authorized by any law of this state, it shall be lawful for said president and directors to contract with any other corporation for the right to use such road or bridge, or for the transfer of any of the corporate or other rights and privileges of such corporation to the said company hereby incorporated; and every such other corporation acting under the laws of this state, is hereby authorized to make such contract or transfer by and through the agency of the person authorized by the respective acts of incorporation to exercise their corporate powers, or by any persons who are by any law of this state entrusted with the management and direction of such turnpike, road or bridge, or any of the rights and privileges aforesaid; every contract or transfer made in pursuance of the power and authority herein granted, when executed by the several parties, under their respective corporate seals, shall vest in the company hereby incorporated, all the rights and privileges, and the right to use and enjoy the same as fully as they are now used and enjoyed by the said corporation in which they are now vested.

**May purchase  
cars &c**

**Sec. 16.** The said president and directors shall have power to purchase with the funds of the said company, and place on any railroad constructed by them under this act, all machines, wagons, carriages, or vehicles of any description, which they may deem necessary or proper for the purpose of transportation on said rail road, and they shall have power to charge for tolls and transportation such reasonable sums as shall be established by the by-laws of the company hereby incorporated, not exceeding the rates hereafter to be charged on the road of the Michigan Central Railroad Company for like distances and services; and it shall not be lawful for any company or any other person or persons to transport any passengers, merchandise or

property of any description whatever, on and without the license and permission of said company; and the said road with all its profits, all machinery used on said road hereby vested in said company incorporated cessors forever; and the shares of the company shall be considered personal property. and agreeably to the by-laws of said company, and execution agreeably to such laws as are or may be. The right and privilege is hereby reserved to the company hereafter to be incorporated under the act to connect with the road hereby provided for, leading from the main route to any part of this act in forming such connection no unnecessary in the works of the company hereby incorporated or companies so connecting may have the right by paying the ordinary tariff of tolls established. this incorporation shall be entitled to the same as to any and all roads hereafter connected.

Sec. 17. The president and directors shall annually declare and make such dividend as they may from the net profits from the resources of said company after current expenses; and they shall make the stockholders of said company in proportion to their shares.

Sec. 18. If any person or persons shall willfully maliciously remove a stake, alter, deface or injure any bench, stake or fixture, set by said company or person in the employ of said company, or shall injure, impair or destroy any part of the said road or said company under this act, or any of the buildings or machinery of said company, such persons offending, shall each of them, for every such offence against the said company a sum not exceeding five times the damages caused by such offence, which may be recovered by the said company, by an action of trespass, in any court of jurisdiction in the county wherein the offence was committed.

Shall transport mail.

Sec. 19. Said company shall, at all times, if required by the post office department, transport the United States mail upon said road, as often as their cars shall pass the same, not exceeding twice in each day, for such compensation as shall be agreed upon by said company and the said department, not exceeding the average price paid by said department for the transportation of the mail in post coaches, three times per week a like distance, upon the several post roads in the state: *Provided*, Nothing herein contained shall be construed to require any of the vehicles of said company to wait at any post office for the change of mail.

To report to sec of state.

Sec. 20. The directors of said company shall annually, on or before the twenty-fifth day of January, make a report to the secretary of state, which shall embrace the business of the preceding year to the first day of January, stating the length of their road in operation; cost of construction, and the indebtedness of the company for materials or work in progress of delivery or execution on account of construction, as near as can be conveniently ascertained, and all other indebtedness, if any there be; the amount of capital stock subscribed, and the amount actually paid in; the amount of dividend; receipts from freight, from passengers, and from all other sources on account of operating the road; the number of through and way passengers respectively; the expenditures for the repairs of the road; for repairs of engines and cars, and other expenditures, which three last mentioned items shall include all the expenditures for operating the road, and the expenditures made for construction during the year; the number of engines; of passenger, freight, and other cars; the average number of men in employment of the company; the number of miles run by passenger, by freight and other trains; which report shall be verified by the affidavit of at least two of the directors, and filed in the office of the secretary of state.

Annual tax.

Sec. 21. The said company shall pay to the state an annual tax of one-half of one per cent upon the capital stock paid in, until the first day of February, eighteen hundred and fifty one, and thereafter an annual tax of three-fourths of one per cent upon its capital stock paid in, and also upon all loans made to said company for the purpose of constructing said railroad: which tax shall be paid in the last week in January in each year to the state treasurer, and the

ris, and all other incidental expenses con-  
the sum of one hundred dollars; to the fire  
Detroit, the sum of fifty dollars; to the ch  
dollars per day during the session, Sundays  
strong, for scrubbing and cleaning the Sen  
hundred and forty-six, six dollars and fifty  
for services in the office of the secretary of  
to March twenty-fifth, eighteen hundred an  
dollars; to James E. Platt, secretary of the  
papers furnished the Senate during the seas  
and forty-six, eighty-four dollars and ei  
Platt, for engrossing three hundred and f  
for the press, at six cents per folio, twent  
Hovey, for compiling and preparing for publ  
and superintending the publication of the  
ments of the present session, three hundred  
the certificate of the secretary of state, that  
rectly done; to James E. Platt, for compiling  
lication, making indexes and superintending  
Senate journal and documents of the presen  
executive Journal, three hundred dollars, ar  
ecutive journal, thirty dollars, to be paid  
secretary of state, that the work has been  
Treadway, enrolling, engrossing and record  
and to M. E. Van Buren, enrolling, engrossin  
the House, for making a fair journal of  
of Representatives respectively, during the  
legislature, to be deposited in the office  
the sum of four cents per folio, to be paid  
secretary of state, that the work is perform  
binson, messenger of the Senate, for extra  
to Rufus Kibbee and Sanford M. Green, ex  
tionery furnished by themselves; to John I.  
furnished the Secretary of the Senate, April  
and forty-five, twelve dollars and fifty ce  
stitching, folding, and binding the report of  
revision, per order of the legislature, one



G F Rood  
and co

J S Bagg

G F Rood  
and co

W R Noyes

DH WIL  
liams

dollars and twenty-four cents; to Ezra Williams, for services as quarter master general for the year eighteen hundred and forty-five one hundred dollars; to G. F. Rood and company, sixty-five dollars, for stationery for thirteen senators; and also one hundred and forty-three dollars and ninety-seven cents, for stationery for the president, secretary, enrolling and assistant enrolling clerks; and also eighty dollars for the general use of the Senate during the present session; to John S. Bagg, postmaster of Detroit, for postage on letters, papers and documents to the members of the legislature during the session of eighteen hundred and forty six, four hundred and forty five dollars and thirty seven cents; to G. F. Rood and company, for stationery furnished M. E. Van Buren, enrolling, engrossing and recording clerk of the House, five dollars and thirty eight cents; to W. R. Noyes, for a tin box furnished the Senate of eighteen hundred and forty six, two dollars and twenty-five cents; to David H. Williams, for coming to Detroit and services as clerk pro tempore of the House, at the commencement of the present session, ten dollars.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved May 18, 1846.

### No. 160.

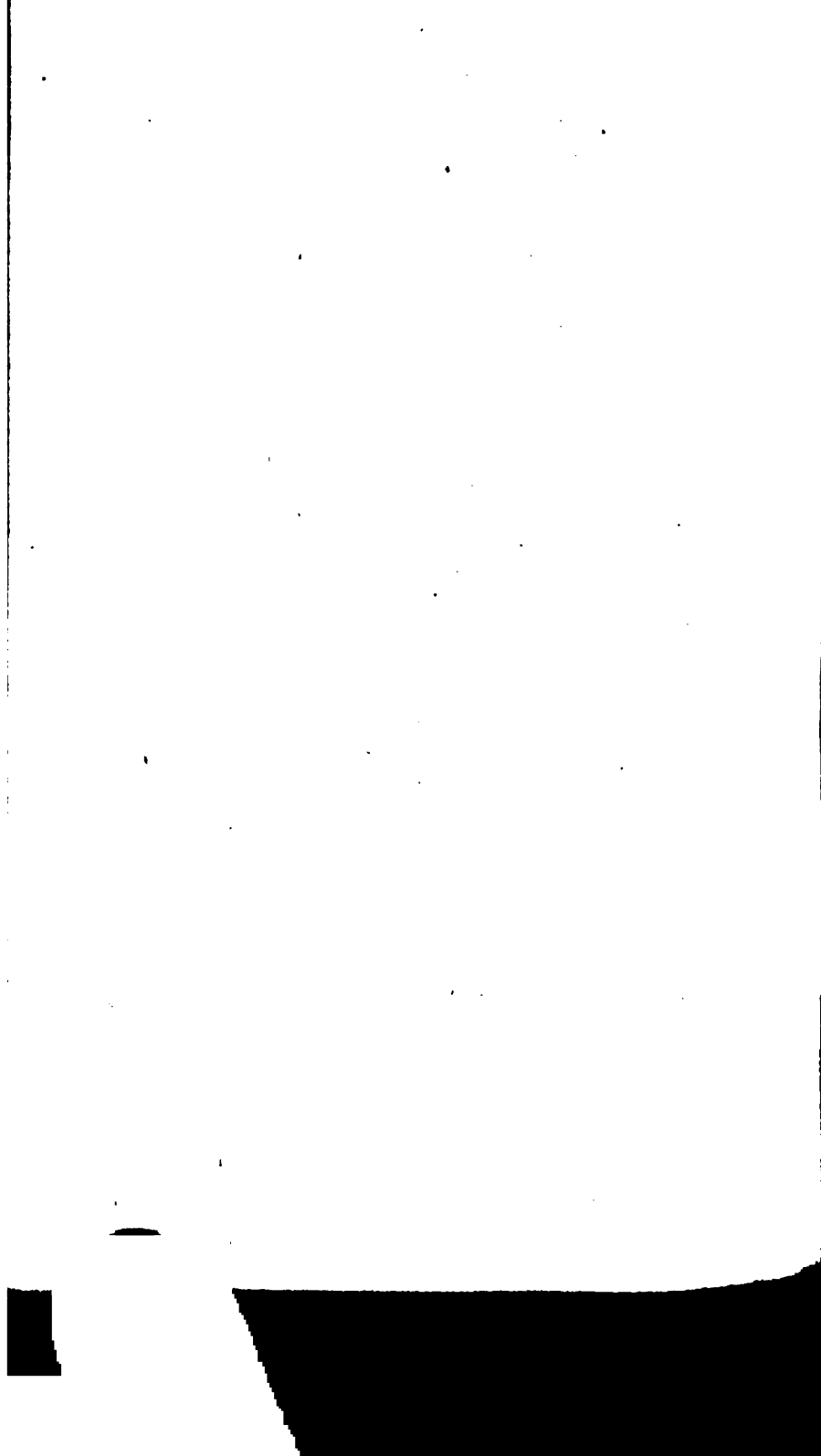
## AN ACT relative to the preservation of the records of the Legislature.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan.* That the secretary of state shall, at the close of the present session of the legislature, cause the enrolled "acts" and "joint resolutions" of the legislature to be bound in a substantial manner, and he shall certify under his hand and the seal of the state, on the frontispiece of the volume, that said volume contains the whole of the original acts and joint resolutions, as enrolled by the clerks, signed by the presiding officers of the Senate and House of Representatives, and approved by the Governor, or which may have become laws under the constitution without his signature or approval; *Provided*, that the revised statutes enacted at the pre

**LAWS OF MICHIGAN**

sent session, as enrolled and filed in the state, shall be bound up separately, and aforesaid.

Approved May 18, 1846.



# RESOLUTION

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No. 1.

JOINT RESOLUTION authorizing the  
Private Secretary.

*Resolved, by the Senate and House of  
State of Michigan, That the Governor be  
thorized to appoint a private secretary du  
whose compensation shall not exceed the  
bers of the legislature.*

Approved January 9, 1846.

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No. 2.

JOINT RESOLUTION relative to the

*Resolved, by the Senate and House of  
State of Michigan, That the board of state  
missioner of internal improvement. and  
hereby authorized and required to make a fir  
Rouse, on just and equitable terms, for any  
John Rouse and the state, connected with  
in case they shall award the said Rouse any  
shall draw his warrant for the amount so av  
improvement fund, and the state treasurer  
pay said award out of any money belonging  
ment fund, not otherwise appropriated.*

Approved January 15, 1846.



## JOINT RESOLUTION relative to the Revision of the Statutes.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the commissioner heretofore appointed to revise the statutes of this state be, and he is hereby directed, to furnish to each member of this legislature, a copy of so much of the proposed revision as has been printed, and that he prepare and report the remaining portion of said revision as speedily as practicable.

Approved January 20, 1846.

## No. 4.

## JOINT RESOLUTION relative to Journals, Documents and Session Laws.

*Resolved, (the Senate concurring,)* That the Secretary of State be instructed to cause to be placed upon the tables of the members of the Senate and House, one copy each of the Journals, Documents and Session Laws of the past session of this Legislature, so far as they have not been already furnished, and so far as they are now in possession of the state, and not deposited in the state library.

Approved January 22, 1846.

## No. 5.

## JOINT RESOLUTIONS relative to the Oregon Territory.

Title of U S  
to Oregon

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the title of the United States to the whole of the territory of Oregon up to fifty-four degrees forty minutes of north latitude, is clear and incontestible; and that in the offer of the President to Great Britain, of the forty-ninth degree as a boundary line, "the civilized world will see a spirit of liberal concession on the part of the United States; and its government will be relieved from all responsibility which may follow a failure to settle the controversy.

Instructions  
to senators  
and repre-  
sentatives  
in congress

*Resolved,* That our senators be instructed and our representatives in Congress requested, to vote for resolutions requesting the President to give immediate notice to the government of Great Britain,

No. 7.

JOINT RESOLUTION authorizing a settlement with David Van Arman.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the board of state auditors and commissioner of internal improvements be, and they are hereby authorized and required to make a just and equitable settlement with David Van Arman, for damages sustained by him by reason of a failure on the part of the state to comply with a certain contract for work on the Central Railroad; and in case they shall award any sum to the said Van Arman, they are hereby authorized and required to certify the amount found to be due him to the auditor general, who shall draw his warrant on the internal improvement fund for the amount so awarded; said warrants shall be placed on the same footing as warrants drawn previous to January, one thousand eight hundred and forty-three : and the state treasurer is hereby authorized to pay said sum out of any money in the internal improvement fund not otherwise appropriated.

Approved February 10, 1846.

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No. 8.

A JOINT RESOLUTION of instruction to the Board of Internal Improvement.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the Board of internal improvement be, and they are hereby required and directed to countermand any orders recently made by the said board for the purchase or construction of any additional engines for the use of any of the railroads in this state.

Approved February 12, 1846.

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No. 9.

JOINT RESOLUTION relative to a right of way through the Salt Spring Reservation, in the county of Macomb.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That in consideration of the constructing a good and

## RESOLUTION

sufficient turnpike, as provided in an act rate the St. Clair and Romeo Turnpike Company, twenty-fourth, A. D. one thousand eight hundred and eighty-four, the said commissioner of the state land office be, and he is hereby authorized to release to the said turnpike company a right of way of a certain width for said turnpike through the "Salt Lake" (so called,) in said county of Macomb: *Provided*, That the said release shall not be completed within five years from the date of the said resolution, the said release shall become null and void; *further*, That the commissioner shall be authorized to do all things necessary to carry out the provisions of this resolution, and no action will not be injured thereby.

Approved February 12, 1846.

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### No. 10.

JOINT RESOLUTION relative to the tax on the property of A. Vattermare, of Pa

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the secretary of the State be and he is hereby authorized and directed to transmit to Alexandria, or to any duly authorized agent of said territory, twelve copies of the Revised Statutes of the United States, one hundred and thirty eight, also twelve sets of the laws of the legislature (so far as they are now in force), to be distributed among such of the members of the government as have contributed to make up the same, and received from said Vattermare by this state.

Approved February 12, 1846.

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### No. 11.

JOINT RESOLUTION relative to

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the secretary of the State be and he is hereby authorized and required to cause suits to be brought from time to time, for the safe keeping of the state library, as in his opinion the same may be necessary.

Catalogue.

*Resolved further*, That the secretary of state cause to be made, under his direction, with the aid of the assistant librarian, a complete catalogue of all the books belonging to the state library, and that he cause a sufficient number of copies of said catalogue to be printed in pamphlet form to supply each of the state officers and members of each branch of the legislature with a copy thereof, and fifty copies thereof to be kept for the use of the state, and that the expense of procuring cases, and making and printing such catalogues, be paid out of the state treasury.

Rules.

*Resolved further*, That the secretary of state be authorized to make and prescribe such rules and regulations for the safe keeping of the books belonging to the state library, and for the proper regulation of the library room, as he shall deem from time to time expedient, and publish the same with the catalogues of the library, or otherwise.

Approved February 17, 1846.

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No. 12.

JOINT RESOLUTION relative to the selection of Public Land.

The Gov. is  
to locate lands  
in Upper  
Peninsula.

*Resolved, by the Senate and House of Representatives of the State of Michigan*, That the Governor be, and he is hereby authorized and directed to cause not less than three, nor more than six thousand acres of the lands granted to this state by the general government, for the purpose of internal improvement, by act of Congress, entitled "an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved September fourth, A. D. eighteen hundred and forty-one, not yet selected, to be immediately selected out of the surveyed lands of the United States, situated in the Upper Peninsula: *Provided*, He shall deem such location for the best interest of the state. That this resolution shall take effect and be in force from and after its passage.

Approved March 7 1846.



## RESOLUTION

No. 13.

JOINT RESOLUTION relative to

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the board of supervisors be authorized and empowered to examine the injury sustained while assisting the hands to load a mill stone, and allow him such sum as may be reasonable, and certify the amount so allowed, and he shall draw his warrant for the same upon the treasury, to be paid out of any money in the general fund.

Approved March 18, 1846.

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No. 14.

JOINT RESOLUTION prohibiting expending money on Railroad.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the acting commissioner be directed and required to forbear entering into any contract or arrangement, involving the expenditure of money, not now contracted, to be expended on the purchase of the locomotives, cars and other property upon the same, until further directed by the board of supervisors, that nothing herein contained shall be construed to prevent the commissioner from making the necessary expenditure of money for the purchase of cars upon said railroad, or for any necessary repairs.

*Resolved,* That this joint resolution take effect from and after its passage.

Approved March 25, 1846.

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No. 15.

JOINT RESOLUTION in relation to the

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the auditor general be directed and required, to issue two warrants in

drawn on the internal improvement fund, one of said warrants to be drawn for the sum of two hundred dollars and twelve cents (\$200,12) bearing interest from and after the fourth day of February, one thousand eight hundred and forty-six, and the other warrant to be drawn for the sum of fifty dollars and fifty cents, (\$50,50) and is not to be on interest.

Approved March 31, 1846.

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No. 16.

JOINT RESOLUTIONS relative to department of natural history of the University of Michigan.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the board of regents of the University of Michigan be and they are hereby authorized, as soon as practicable, to take possession of the specimens of geology, mineralogy, zoology, botany, and all other specimens pertaining to natural history, now belonging to the state, and now deposited in the University buildings, and cause them to be properly arranged into perfect suits (and fractional suits where there are surplus specimens over and above a perfect suit), and report the number of suits and fractional suits, the quality, character and condition thereof to the legislature, and that the regents of the university be and they are hereby authorized to exchange any suits of specimens over ten full suits with any other government, institution or individuals.

Their compensation.

*Resolved,* That as a full compensation therefor, the said regents be and they are hereby authorized to appropriate one full suit in each of the aforesaid sub-departments, to the use of the University proper. These resolutions to take effect and be in force from and after their passage.

Approved April 7, 1846.

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No. 17.

JOINT RESOLUTION authorizing the Gover to issue a Patent to Jeremiah Silver.

*Resolved, by the Senate and House of Representatives of the State*

## RESOLUTIONS

*of Michigan*, That the Governor be, and, and directed, to issue to Jeremiah Silver, for the north east fractional quarter of section township number eight, south of range numbering one hundred and seven and a half acres shall deem it expedient.

Approved March 7, 1846.

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### No. 18.

JOINT RESOLUTION relative to a certain sum of money from the Treasurer's office in Shiawassee

*Resolved, by the Senate and House of Representatives of the State of Michigan*, That the sum of one thousand twelve dollars, received by the late county treasurer in behalf of the state, for sales of lands delinquent in years eighteen hundred and thirty-nine and forty, and stolen from said treasurer while in the state, on the night of October third, eighteen hundred and forty-three, together with the interest on the same, be paid to the state, and the said county of Shiawassee shall be responsible for the same: *Provided*, the said county treasurer, from whom said money, was stolen, shall give the order of the auditor general on demand.

*Resolved further*, That the auditor general, shall give the official bond of said treasurer for the year eighteen hundred and forty-three, as above provided, or on its delivery to be made with the county of Shiawassee a sum of money with the necessary charges or credits to carry out these resolutions, and that he cause said bond to be filed in his opinion, the interest of the state require it.

Approved April 9, 1846.

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### No. 19.

JOINT RESOLUTIONS relative to the lease of certain lands within the State of Michigan

*Resolved, by the Senate and House of Representatives*

*Leases by  
U. S. unau-  
thorized.*

*of Michigan*, That all leases of any of the lands of the United States, within this state, by the authority of the United States, are contrary to the interests and policy of this state, in contravention of the acts of Congress admitting Michigan into the Union, and an unauthorized exercise of the power to dispose of the public domain within the limits of this state.

*Gov. to  
transmit co-  
py of reso-  
lution.*

*Resolved*, That the Governor be requested to transmit a copy of the foregoing resolution, together with a copy of the report of the Senate committee on public lands, and of the report of the judiciary committee of the Senate on the sovereign rights of Michigan to the mines and minerals within her borders, to each of our Senators and Representatives in Congress, with a request that the same be presented to their respective bodies, and to the Governors of the respective states, with a request that the same be laid before the legislatures thereof.

Approved April 13, 1846.

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No. 20.

**JOINT RESOLUTION** relative to the leasing of the Clinton and Kalamazoo Canal.

*Board to  
lease canal.*

*Resolved, by the Senate and House of Representatives of the State of Michigan*, That the Board of Internal Improvement be, and they are hereby authorized to lease the Clinton and Kalamazoo Canal, including all leases and uses of surplus waters, if any there should be, for a term not exceeding twenty years, to any person or persons who may take the same, upon such terms as they may deem most conducive to the interests of the state, taking from such person or persons good and sufficient securities for the rebuilding and putting that portion of said canal east of Utica, in Macomb county, into operation within one year, and for the re-building and putting into operation the balance of said canal east of Rochester, in Oakland and Macomb counties, within two years, and for keeping said canal and the locks therein in good repairs, the reasonable wear and decay excepted, and holding the same subject to the right of the state at any time to take possession of or sell the same, upon re-embursing such person or persons a reasonable remuneration for all expendi-

## RESOLUTION

tures incurred by them in the reconstruction to be determined by appraisal, deducting as able for the use of the same; and if said or dual or to a company, such individual or or port to the legislature on the first Monday every year, the amount of receipts upon all ordinary and extraordinary expenditures up

*Resolved further*, That this joint resolution be in force from and after its passage.

Approved April 23, 1846.

---

No. 21.

JOINT RESOLUTION relating to the improvement.

*Whereas*, the necessities of the state may tive power on the Central and Southern months may probably elapse before a sale of consummated: therefore,

*Resolved, by the Senate and the House of State of Michigan*, That the "joint resolution of internal improvement," approved February eight hundred and forty-six, be and the same in the board of internal improvement are hereby measures as the means at their command will reats of the state and the prospects of business railroads in suitable repair, and to furnish facilities for the transportation of produce; using times, in view of the probability of a sale of

This joint resolution shall take effect and after its passage.

Approved May 4, 1846.

---

No. 22.

JOINT RESOLUTION relative to a certain county of Macomb.

*Whereas*, the commissioners named in sec

titled "an act to provide for laying out, establishing, and constructing a state road in the county of Macomb," approved February nineteenth, one thousand eight hundred and forty-five, committed an error in the survey of that part of the said road which lies in the township of Warren, in said county, which was filed and recorded in said township: therefore,

Com'rs to  
correct mis-  
takes in sur-  
vey.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the commissioners named in section one of an act entitled "an act to provide for laying out, establishing, and constructing a state road in the county of Macomb," be and they are hereby authorized to correct any mistake that may have occurred in the survey of that part of said road that lies in the township of Warren, in said county, which was filed and recorded in the office of the township clerk of said township of Warren, and that such corrected survey shall be recorded in like manner, and have the like effect as was provided in said act for the original survey.

Approved May 7, 1846.

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No. 23.

JOINT RESOLUTION relative to the State Arms.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the adjutant general be directed to cause the removal of the state arms, ordnance and military equipments to the United States arsenal at Dearborn, in accordance with leave granted the state for storage of the same, in a communication from the ordnance department at Washington, bearing date February ninth, A. D. eighteen hundred and forty-six.

Approved May 9, 1846.

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No. 24.

JOINT RESOLUTION relative to certain books and documents.

Sec. of state  
authorized  
to deposit  
certain books  
in library of  
University.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the secretary of state be and he is hereby authorized and directed to deposit in the library of the University

of Michigan, until otherwise directed by law; also to purchase for the library of the United States Exploring Expedition of Charles Wilkes, U. S. N., in five volumes, an atlas, which has been transmitted to this State by the Congress; also to deposit in like manner in the University of Michigan, a work on the natural history of Michigan, in ten quarto volumes, with a geological map, and to purchase for the library of this State agreeably to the requirements of the legislature of New York; also to fix the agent of any incorporated literary institution; also to publish the revised statutes when published, and one copy of each of the session laws, journals and documents of the Legislature, and that may hereafter be published, to be deposited in the library of such incorporated literary institution; also to purchase for the proper authorities of Harvard University, one copy of each of the statutes, and one copy of each of the session laws, journals and maps, which have been or may hereafter be published, and not otherwise required for the use of the library of said university; also to transmit to the Historical Society one copy of the revised statutes, and one copy of each of the session laws, journals, documents and maps, which have been or may hereafter be published, and not otherwise required for the use of the state, to be deposited in the library of said society.

Approved May 11, 1846.

No. 25.

JOINT RESOLUTION providing for the purchase of books to be furnished the members of the House of Representatives.

*Resolved, by the Senate and House of Representatives of Michigan,* That the treasurer of the State be and he is authorized and directed to pay to Nelson L. Edmunds and James Webster, committee of the House of Representatives, the sum of two hundred and fifty dollars of the general fund, being for stationery for the House of Representatives during the present session, at the rate of five dollars for each member.

This joint resolution shall take effect and be in force from and after its passage.

Approved May 13, 1846.

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No. 26.

JOINT RESOLUTION relative to a final geological report.

*Resolved, by the Senate and House of Representatives of the State of Michigan, That the Governor be and he hereby is authorized and empowered to select and appoint some competent and suitable person to collect, collate and arrange all the geological notes, memoranda, specimens, maps, topographical delineations, engravings, barometrical and other observations, including geological surveys kept, taken, made, collected and preserved for and in behalf of the state of Michigan by the late Dr. Douglass Houghton, State Geologist, and designed and intended by him to be used in making a final geological report, for the benefit of the people of said state; and from the materials thus collected and to be collected, and the requisite additional information derived from other sources, the person thus to be appointed may be required by the Governor to prepare a final report upon the geology of Michigan.*

Approved May 15, 1846.

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No. 27.

JOINT RESOLUTION of instructions to the Board of Internal Improvement.

*Resolved, by the Senate and House of Representatives of the State of Michigan, That the board of internal improvement are hereby authorized and directed to pay all claims allowed by the board of state auditors, under the provisions of an act entitled "an act to provide for the determination of claims against the state for injuries to animals and other property, occasioned by the running of cars and locomotives on the Central and Southern railroads," approved April thirteen, one thousand eight hundred and forty-six, out of the proceeds received from running the cars on said road re-*

Board of int  
imp to pay  
certain  
claims.



## RESOLUTION

spectively, on the presentation of a certificate to the board of state auditors.

*Resolved*, That in settling said claims are hereby authorized at their discretion to report of claims, taken before any person who swears oaths in this state, and any person who swears vit, shall be held guilty of perjury, and.

*Resolved*, The above resolutions shall have their passage.

Approved May 16, 1846.

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### No. 28.

JOINT RESOLUTION relative to the  
Laws, Journals, Documents and

*Resolved, by the Senate and House of Representatives of the State of Michigan*, That the officers and members of the legislature be, and they are hereby entitled to receive revised laws and session laws passed in 1845 and forty-six; also to the journals and documents of the said year, and that the secretary of the legislature be required to forward one copy of each to the members of this legislature by forwarding the same to the several counties of this state in which the members reside, so soon as the same may be prepared.

Approved May 16, 1846.

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### No. 29.

JOINT RESOLUTION in relation to the  
State.

*Resolved, by the Senate and House of Representatives of Michigan*, That it shall be competent for the state to pay debts due to the Michigan State Bank, and to assign to the state of Michigan, or to trust the state, to pay said debts, whether consisting

ges, decrees, judgments or other liabilities, in the recognized liabilities of said state of the descriptions and at the rates mentioned and specified in section four of an act entitled "an act to authorize the sale of the Central Railroad, and to incorporate the Michigan Central Railroad Company," and thereby; authorized to be paid to the state by said company, and the proper officers and trustees of the state are hereby authorized to receive the same in payment and discharge of said debts when tendered.

Approved May 18, 1846.

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No. 30.

JOINT RESOLUTION of instructions to the Secretary of State.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the Secretary of State is hereby instructed to cause to be published in pamphlet form, one thousand copies of an act entitled "an act to organize an active militia and for other purposes," and cause the same to be distributed; also, that the Secretary of State cause notice to be given to the several county clerks and sheriffs of this state, of that provision of the revised statutes of the present session, requiring the election of county judges at the next general election

Approved May 18, 1846.

# APPENDIX

## STATE TREASURER

STATE  
DEPARTMENT

*To the Legislature of the State of Michigan*

In obedience to the provisions of law, I have the honor to lay before the Legislature at each session a report of the receipts and expenditures for the year, and of the balance of cash on hand at the close of the year. I now submit the following report:

The balance of cash on hand at the close of the year, November 30th, 1844, was

The receipts during the past year, (as per report of the State Treasurer)

The expenditures during the same period

Leaving a balance on hand, Nov. 30, 1845

The above balance being made up of gold and silver coins, treasury notes, and \$1,252 81 in coin and notes.

In schedule B is given a statement of the receipts and expenditures of the State Treasurer's books, for the year ending November 30th, 1844.

The amount of outstanding warrants and orders, is given in the statement of the State Treasurer. The amount outstanding against the general fund, will be perceived that out of the \$10,740,000 fund, under an act of the last legislature

the Michigan State Bank, and which should have been drawn upon the internal improvement fund, as the proceeds of all the lands and other assets received from that bank go to the credit of the latter fund, the amount outstanding against the general fund, would only have been \$613 68.

By reference to the report of the Auditor General, it will be perceived that ledger balances on his books correspond with those of this office, except as to those funds on which there are outstanding warrants, and as to the balance there charged to the State Treasurer. The amount there debited to the State Treasurer is \$7,285 44; adding the amount of outstanding warrants on the general and contingent fund, which is \$11,607 67, gives the amount on hand, as shown by the books of this office, being \$18,892 81. Adding the respective amounts of the warrants outstanding on those two funds to the credit balances of those funds on the Auditor's books, will give the balances on the books of this office, and deducting from the debit balance or amount overdrawn on the internal improvement fund on the Auditor's books, which is \$811,451 57, the unpaid or outstanding internal improvement and land warrants, amounting to \$534,459 62, leaves the amount overdrawn on the books of this office, which is \$276,991 95, arising from that amount of warrants on the latter fund, having been met from the resources of other funds.

All of which is respectfully submitted.

GEO. REDFIELD.

*State Treasurer.*

(A.)

*Abstract of Receipts and Expenditures*  
1844, to Nov. 30th, 1844

RECEIPTS.

General fund,  
Internal improvement fund,  
Primary school fund,  
Primary school interest fund,  
Redemption account,  
Sinking fund,  
State building fund,  
University fund,  
University interest fund,  
  
Total receipts,

EXPENDITURES.

Contingent fund,  
General fund,  
Internal improvement fund,  
Primary school fund,  
Primary school interest fund,  
Redemption account,  
Sinking fund,  
State building fund,  
Treasury notes,  
Treasury note interest,  
University interest fund,

## (B.)

*Leger Balances on State Treasurer's Books, Nov. 30th, 1845.*

DR.

Cash,	\$ 18,892 81
Internal improvement fund,	276,991 95
	<u>\$295,884 76</u>

CR.

Contingent fund,	1,522 87
General fund,	79,703 29
Primary school fund,	71,827 20
Primary school interest fund,	3,123 49
Redemption account,	5,111 30
State building fund,	5,897 11
Treasury notes,	70,000 00
University fund,	56,774 14
University interest fund,	1,925 37
	<u>\$295,884 76</u>

## (C.)

*Warrants outstanding November 30, 1845.*

Internal improvement fund,	\$508,468 00
Land warrants,	25,991 62
Contingent fund,	250 00
General fund,	11,357 67
	<u>11,607 67</u>
	<u>\$546,067 29</u>

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